

EIGHTY-FIRST DAY
(Monday, May 26, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

A quorum was announced present.

The Reverend James W. Mosley, Westlake Hills Presbyterian Church, Austin, Texas, offered the invocation as follows:

Heavenly Father, We join today with that larger company of citizens to give thanks to Thee for our national heritage and especially for those whose commitment to country has been expressed through the gift of their lives. May we respect their valor and sacrifice without glorifying the hellish torment of war, and may we seek to emulate their noblest ideals by committing ourselves to the establishment of peace, liberty, and justice for all.

Grace this body of Senators and aides with an awareness of Thy presence and bring to their remembrance the insight of the Prophet of Nazareth when He said, "man was not made for the sabbath, but the sabbath for man." With that vision of truth in mind may they fashion law that makes the utilities of government and free enterprise servants of all the people and marshal the forces of education and economics for the full development of all persons in our state.

This we pray in the name of Him who came not to be ministered unto, but to minister. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 23, 1975, was dispensed with and the Journal was approved.

(Senator Meier in the Chair)

REPORT OF STANDING COMMITTEE

Senator Mauzy submitted the following report for the Committee on Education:

C.S.H.B. 1126 (Read first time)

SENATE RESOLUTION 618

Senator Aikin offered the following resolution:

WHEREAS, The Upper Chamber of the Texas Legislature traditionally pauses to observe and acknowledge new additions to the Senate family; and

WHEREAS, Our distinguished colleague from the 3rd District of Texas, The Honorable Don Adams, and his lovely and charming wife Linda have now presented us with a new and happy addition to our official family; and

WHEREAS, On June 4, 1973, Dinah Patricia Adams came into this world as the happy and healthy daughter of Senator and Mrs. Don Adams of Jasper, Texas; and

WHEREAS, The proud grandparents of young Dinah, Judge and Mrs. T. Gilbert Adams of Jasper, and Mr. and Mrs. C. E. Cullum of Wickett, Texas, have shared in this greatest of joys; now, therefore, be it

RESOLVED, That the Senate of the 64th Texas Legislature, in session this 26th day of May, 1975, hereby extend warmest and most sincere congratulations to these fine families on the birth of this young lady; and, be it further

RESOLVED, That as an expression of our best wishes for lifelong good health and happiness to this young lady and her family that Dinah Patricia Adams is hereby named as an official "Mascot" of the 64th Texas Senate and that her photograph shall be placed on the official Senate Panel Picture for the 64th Session of the Texas Senate.

On motion of Senator Moore and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Aikin the resolution was adopted.

SENATE CONCURRENT RESOLUTION 92

Senator Harrington offered the following resolution:

S.C.R. 92, Recalling S.B. 527 from the Governor.

On motion of Senator Harrington and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 761 WITH HOUSE AMENDMENT

Senator Hance called S.B. 761 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

AMENDMENT NO. 1

Amend S.B. 761 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. DEFINITION. In this Act, 'public transportation' means any form of intercity or intracity public mass transportation other than air or water transportation.

"Sec. 2. PUBLIC TRANSPORTATION DIVISION. The Public

Transportation Division is established as a division of the Texas Department of Highways and Public Transportation.

"Sec. 3. POWERS AND DUTIES. (a) The Texas Department of Highways and Public Transportation, acting through the Public Transportation Division:

"(1) may purchase, construct, lease, operate, and manage public transportation systems in the state;

"(2) shall encourage, foster, and assist in the development of public transportation systems in the state;

"(3) may render assistance to local governmental entities for the planning of mass transportation systems;

"(4) may enter into any contracts necessary to exercise its functions under this Act;

"(5) may conduct hearings and make investigations and studies relating to the public transportation needs of the state;

"(6) may cooperate with other state agencies under the provisions of the Interagency Cooperation Act (Article 4413(32), Vernon's Texas Civil Statutes); and

"(7) may apply for and receive gifts and grants from governmental and private sources to be used in carrying out its functions under this Act.

"(b) In addition to the powers enumerated in Subsection (a) of this section, the department, acting through the Public Transportation Division, has all powers necessary or convenient to administering this Act.

"Sec. 4. PUBLIC TRANSPORTATION FUND. The public transportation fund is established as a special fund in the state treasury. The public transportation fund may only be used by the Public Transportation Division of the Texas Department of Highways and Public Transportation to assist in carrying out the provisions of this Act. The legislature may appropriate additional funds to the division for the purposes of this Act.

"Sec. 5. Article 6663, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 6663. DEPARTMENT. (a) The name of the State Highway Department is changed to the Texas Department of Highways and Public Transportation. A reference in any law to the State Highway Department or Texas Highway Department shall be construed as meaning the Texas Department of Highways and Public Transportation. The name of the State Highway Commission is changed to the Texas Highway and Public Transportation Commission, and a reference in any law to the State Highway Commission or Texas Highway Commission shall be construed as meaning the Texas Highway and Public Transportation Commission.

"(b) The administrative control of the Texas [State Highway] Department of Highways and Public Transportation, hereinafter called the Department, shall be vested in the Texas [State] Highway and Public Transportation Commission, hereinafter called the Commission, and the State Highway Engineer. Said Department shall have its office at Austin where all its records shall be kept.

"Sec. 6. REPEALER. Chapter 615, Acts of the 61st Legislature, Regular Session, 1969 (Article 4413(34), Vernon's Texas Civil Statutes), is repealed.

"Sec. 7. EFFECTIVE DATE. This Act takes effect September 1, 1976.

"Sec. 8. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its provisions, and it is so enacted."

The House amendment was read.

Senator Hance moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S.B. 761 before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Hance, Moore, Creighton, McKnight and Harris.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 306

Senator Jones submitted the following Conference Committee Report:

Austin, Texas
May 26, 1975

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 306 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

JONES
CREIGHTON
HARRIS
ADAMS
SCHWARTZ
On the part of the Senate

BYNUM
CARTWRIGHT
DAVIS
ADAMS
PARKER (Jefferson)
On the part of the House

A BILL TO BE ENTITLED

AN ACT

relating to authority of certain insurance agents to enter into and establish retail charge agreements with certain persons; amending Chapter 12, Title 79, Revised Civil Statutes of Texas, 1925 (Article 5069-12.01, et seq., Vernon's Texas Civil Statutes), by adding Article 12.20; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 12, Title 79, Revised Civil Statutes of Texas, 1925 (Article 5069-12.01, et seq., Vernon's Texas Civil Statutes), is amended by adding Article 12.20, to read as follows:

"Article 12.20. AUTHORITY OF LICENSED LOCAL RECORDING AGENTS TO LOAN MONEY TO CERTAIN PURCHASERS OF INSURANCE

"Notwithstanding any other provision of law, any person, partnership, or corporation duly licensed as a local recording agent under the provisions of Article 21.14, Insurance Code, as amended, shall be authorized to enter into or establish a retail charge agreement with any purchaser of insurance from such local recording agent in accordance with and subject to the time price differential charges and other provisions of Article 6.03, Title 79, Revised Civil Statutes of Texas, 1925, as amended; provided, however, that the time price differential charged, collected, and received in such instances on any unpaid balance shall not exceed 10 cents per \$10 per month; and in such instances the claim or defense of usury shall be prohibited."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

(President in the Chair)

COMMITTEE SUBSTITUTE HOUSE BILL 819 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 819, A bill to be entitled An Act providing for the regulation of rates, operations, and services provided by public utilities as defined herein; relating to the creation and composition of the Public Utility Commission of Texas; providing for the powers, duties, and respective jurisdiction of such commission, municipalities, and the Railroad Commission of Texas with respect to such regulation; providing procedures for exercising such jurisdiction; prescribing the method of calculating rates and for changing rates; providing for bonds or other financial undertakings pending certain hearings and for refunds in certain cases; requiring certain reports and schedules; providing procedures for handling complaints; providing for hearings and appeals and procedures therefor; providing for appeals to the courts and procedures in the courts; providing for fees for regulation; making certain provisions as to extension of facilities and competition; providing enforcement procedures; providing for civil penalties; making violations of this Act a criminal offense; amending Section 2(5)(A) of Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes), by adding members of the commission to the list of appointed

officers of a major state agency; repealing Section 8a, Chapter 283, Acts of the 40th Legislature, 1927 (Article 1011i, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

The bill was read second time.

Senator Sherman offered the following amendment to the bill:

Amend Section 3, Subsection (d) (3) of **C.S.H.B. 819** (page 3, line 23) by adding after the closed parenthesis which follows the word "et seq." the phrase "and excluding the sale of natural gas at or near the outlet of a natural gas processing plant other than to the public and the gathering of natural gas by pipeline from the field in which produced to a central point or gas processing plant,".

The amendment was read.

On motion of Senator Moore the amendment was tabled.

Senator Clower offered the following amendment to the bill:

Amend **C.S.H.B. 819** by striking everything after the enacting clause and substituting the following:

ARTICLE I. GENERAL PROVISIONS

Section 1.01. **SHORT TITLE.** This Act may be cited as the 1975 Texas Public Service Act.

Sec. 1.02. **POLICY.** The legislature intends by this Act that the state and municipalities assure that:

(a) consumers of public utility services are provided with adequate and reliable services at reasonable rates, consistent with the financial and economic requirements of public utilities and their need to construct facilities to provide such services;

(b) energy and fuel are conserved, and their wise and fair use is insured; and

(c) all utility services provided by public utilities are brought under regulation.

Sec. 1.03. **DEFINITIONS.** In this Act, unless specifically defined otherwise:

(1) "Affected person" means any public utility affected by any action of the commission, the Attorney General of the State of Texas, any person or corporation whose utility service or rates are affected by any proceeding before the commission, or any person or corporation that is a competitor of a public utility with respect to any service performed by the utility or that desires to enter into competition.

(2) "Affiliated interest" or "affiliate" means:

(A) any person or corporation owning or holding, directly or indirectly, five percent or more of the voting securities of a public utility;

(B) any person or corporation in any chain of successive ownership of five percent or more of the voting securities of a public utility;

(C) any corporation five percent or more of the voting securities of which is owned or controlled, directly or indirectly, by a public utility;

(D) any corporation five percent or more of the voting securities of which is owned or controlled, directly or indirectly, by any person or corporation that owns or controls, directly or indirectly, five percent or more of the voting securities of any public utility or by any person or corporation in any chain of successive ownership of five percent of such securities;

(E) any person who is an officer or director of a public utility or of any corporation in any chain of successive ownership of five percent or more of voting securities of a public utility;

(F) any person or corporation that the commission, after notice and hearing, determines actually exercises any substantial influence or control over the policies and

actions of a public utility, or over which a public utility exercises such control, or that is under common control with a public utility, such control being the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of another, whether such power is established through ownership or voting of securities or by any other direct or indirect means; or

(G) any person or corporation that the commission, after notice and hearing, determines is actually exercising such substantial influence over the policies and action of the public utility in conjunction with one or more persons or corporations with which they are related by ownership or blood relationship, or by action in concert, that together they are affiliated with such public utility within the meaning of this section, even though no one of them alone is so affiliated.

(3) "Commission" means the Texas Public Service Commission.

(4) "Allocations" means, for all utilities, the division of plant, revenues, expenses, taxes, and reserves between municipalities or between municipalities and unincorporated areas, where such items are used for providing public utility service for more than one municipality or for a municipality and unincorporated areas.

(5) "Commissioner" means a member of the Texas Public Service Commission.

(6) "Cooperative corporation" means any telephone or electric cooperative corporation organized and operating under the Telephone Cooperative Act (Article 1528c, Vernon's Texas Civil Statutes) or the Electric Cooperative Corporation Act (Article 1528b, Vernon's Texas Civil Statutes).

(7) "Corporation" means any corporation, joint-stock company, or association, domestic or foreign, and its lessees, assignees, trustees, receivers, or other successors in interest, having any of the powers or privileges of corporations not possessed by individuals or partnerships but shall not include municipal corporations unless expressly provided otherwise in this Act.

(8) "Facilities" means all the plant and equipment of a public utility, including all tangible and intangible real and personal property without limitation and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the business of any public utility.

(9) "Gathering" means moving gas by pipeline from the field in which produced to a central point or gas processing plant.

(10) "Governing body" means the governing body of a municipality in this state.

(11) "Municipality" means any city, town, or village incorporated under the laws of this state, or home-rule city.

(12) "Municipally owned utility" means any utility owned, operated, and controlled by a municipality or by a nonprofit corporation whose directors are appointed by one or more municipalities.

(13) "Order" means the whole or a part of the final disposition, whether affirmative, negative, injunctive, or declaratory in form, of the commission in a matter other than rulemaking, but including issuance of certificates of convenience and necessity and ratesetting.

(14) "Person" means any individual, partnership, association, government or governmental subdivision or agency, or public or private organization or panel of any character, other than a corporation, and includes its lessees, assigns, trustees, receivers, executors, administrators, or other successors in interest.

(15) "Proceeding" means any hearing, investigation, inquiry, or other fact-finding or decision-making procedure under this Act and includes the denial of relief or the dismissal of a complaint.

(16)(A) "Public utility" or "utility" means any person or corporation, other than a municipal corporation, but including a river authority owning and operating facilities of the type described in (i) below, now or hereafter owning or operating in this

state, for compensation, equipment or facilities for:

(i) the generation, transmission, distribution, sale, or furnishing of electricity to the public or for resale to the public;

(ii) the distribution of natural, artificial, or mixed natural and artificial gas within and without incorporated cities and towns; provided that the production of natural gas, the sale of natural gas in or within the vicinity of the field where produced, the distribution or sale of liquefied petroleum gas, and the transportation, delivery, or sale of natural gas for fuel for irrigation wells or any other direct use in agricultural activities is not included;

(iii) the conveyance, transmission, or reception of messages, communications, signals, or information over a telephone wire or radio system or the furnishing or furnishing and maintenance of equipment or facilities to the public as a private communications system or part thereof; provided that no person or corporation not otherwise a public utility within the meaning of this Act shall be deemed such solely because of such furnishing or furnishing and maintenance of a private system; and provided further that nothing in this Act shall be construed to apply to telegraph services, services of specialized communications common carriers not providing local exchange telephone service, television stations, or radio stations, or community antenna television services;

(iv) the transmission, storage, distribution, sale, or furnishing of water to the public for municipal, industrial, or domestic use or the collection, transportation, treatment, or disposal of sewage or other operation of a sewage disposal service for the public; or

(v) the distribution, sale, or furnishing of steam for any use to the public or to another public utility or municipally owned utility for resale to the public or for the generation of electricity to be distributed, sold, or furnished to the public or for resale to the public.

(B) The term "public utility" or "utility" includes any municipally owned gas or electric utility, whether owned separately or in conjunction with other municipalities, whose board of trustees as of May 1, 1975, was not directly appointed by the governing body of the municipality, and does not include any other municipally owned utility unless otherwise provided in this Act.

(C) The term "public utility" or "utility" shall not include any person or corporation not otherwise a public utility that furnishes the services or commodity described in any paragraph of this subsection only to itself, its employees, or tenants as an incident of such employee service or tenancy, when such service or commodity is not resold to or used by others.

(17) "Rate" means any individual or joint rate, charge, toll, tariff, rental, or other compensation to any public utility made, demanded, or received for any service, product, or commodity described in this section offered, rendered, or furnished by the public utility, whether received directly or indirectly, and any rule, regulation, practice, requirement, classification, or contract relating to any such rate, charge, toll, tariff, rental, or other compensation or to any schedule or part thereof.

(18) "Separation" means, for communications utilities only, the division of plant, revenues, expenses, taxes, and reserves, applicable to exchange or local service where such items are used in common for providing public utility service to both local exchange service and other service, such as interstate or intrastate toll service.

(19) "Service" is used in this Act in its broadest and most inclusive sense and includes any and all acts done, rendered, or performed and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities in the performance of their duties under this Act to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them. Service shall not include the printing, distribution, or sale of advertising in telephone directories.

(20A) "Radio-telephone utility" means a telephone company, as defined herein, that provides only radio-telephone services that may be authorized under the Domestic Public Land Mobile Radio Service or Rural Radio Service rules of the Federal Communications Commission; provided, however, that radio-telephone service provided by wireline telephone companies regulated by the commission are specifically excluded from the definition of a radio-telephone utility.

(20B) "Telephone utility" means every person or corporation now or hereafter owning or operating in this state, for compensation, equipment or facilities for the conveyance, transmission, or reception of messages, communications, signals, or information over a telephone wire or radio system.

(21) "Test year" means the most recent 12 months for which operating data for a public utility are available and shall commence with a calendar year.

Sec. 1.04. ADMINISTRATIVE PROCEDURE. The Administrative Procedure and Texas Register Act applies to all proceedings under this Act except to the extent inconsistent with this Act.

ARTICLE 2. ADMINISTRATIVE PROVISIONS

Sec. 2.01. CREATION AND MEMBERSHIP OF COMMISSION. (a) The Texas Public Service Commission is created. The commission consists of three commissioners appointed by the governor with the advice and consent of the senate. Except for initial appointees, each commissioner holds office for a term of six years and until a successor is appointed and has qualified.

(b) On the effective date of this Act, the governor shall appoint one commissioner to serve a term expiring on January 31, 1977, one to serve a term expiring on January 31, 1979, and one to serve a term expiring on January 31, 1981. Subsequent appointees shall serve for full six-year terms.

(c) No member of the commission may seek nomination or election to any other civil office of the State of Texas or of the United States while he is a commissioner. If any member of the commission files for nomination for or election to any civil office of the State of Texas or of the United States, his office as commissioner immediately becomes vacant, and the governor shall appoint a successor.

Sec. 2.02. COMPENSATION OF COMMISSIONERS. The salary and other compensation of the commissioners shall be set by the legislature.

Sec. 2.03. QUALIFICATIONS OF COMMISSIONERS. (a) To be eligible for appointment as a commissioner, a person must be a qualified voter, not less than 30 years of age, a citizen of the United States, and a resident of the State of Texas. No person is eligible for appointment as a commissioner if at any time during the two-year period immediately preceding his appointment he personally served as an officer, director, owner, employee, partner, or legal representative of any public utility or any affiliated interest, or he owned or controlled, directly or indirectly, stocks or bonds of any class with a value of \$10,000 or more in a public utility or any affiliated interest. Each commissioner shall qualify for office by taking the oath prescribed for other state officers and shall execute a bond for \$5,000 payable to the state and conditioned on the faithful performance of his duties.

(b) No commissioner or employee of the commissioner may do any of the following during his period of service with the commission and for two years thereafter:

(1) have any pecuniary interest, either as an officer, director, partner, owner, employee, attorney, consultant, or otherwise, in any public utility or affiliated interest, or in any person or corporation or other business entity a significant portion of whose business consists of furnishing goods or services to public utilities or affiliated interests but not including a nonprofit group or association solely supported by gratuitous contributions of money, property, or services;

(2) own or control any securities in a public utility or affiliated interest, either directly or indirectly;

(3) accept any gift, gratuity, or entertainment whatsoever from any public utility or affiliated interest, or from any person, corporation, agent, representative, employee, or other business entity a significant portion of whose business consists of furnishing goods or services to public utilities or affiliated interests, or from any agent, representative, attorney, employee, officer, owner, director, or partner of any such business entity or of any public utility or affiliated interest; provided, however, that the receipt and acceptance of any gifts, gratuities, or entertainment after termination of service with the commission whose cumulative value in any one-year period is less than \$100 shall not constitute a violation of this Act.

(c) The prohibited activities of this section do not include contracts for public-utility products and services or equipment for use of public-utility products when a member or employee of the commission is acting as a consumer.

(d) No commissioner or employee of the commission may directly or indirectly solicit or request from or suggest or recommend to any public utility or to any agent, representative, attorney, employee, officer, owner, director, or partner thereof the appointment to any position or the employment in any capacity of any person by such public utility or affiliated interest.

(e) No public utility or affiliated interest or any person, corporation, firm, association, or business that furnishes goods or services to any public utility or affiliated interest nor any agent, representative, attorney, employee, officer, owner, director, or partner of any public utility or affiliated interest, or any person, corporation, firm, association, or business furnishing goods or services to any public utility or affiliated interest may give, or offer to give, any gift, gratuity, employment, or entertainment whatsoever to any member or employee of the commission except as allowed by Subdivision (3) of Subsection (b) of this section, nor may any such public utility or affiliated interest or any such person, corporation, firm, association, or business aid, abet, or participate with any member, employee, or former employee of the commission in any activity or conduct that would constitute a violation of this subsection or Subdivision (3) of Subsection (b) of this section.

(f) Unless specifically authorized by this Act for disposition of ex parte matters, no member or employee of the commission assigned to render a decision or to make findings of fact and conclusions of law in a proceeding may communicate, directly or indirectly, in connection with any issue of fact or law with any party or his representative except on notice and opportunity for all parties to participate.

Sec. 2.04. CHAIRMAN. At its first meeting following the biennial appointment and qualification of a commissioner, the commission shall elect one of the commissioners chairman.

Sec. 2.05. SECRETARY. The commission shall appoint a secretary, who shall serve at the pleasure of the commission. The secretary shall:

(1) keep a full and accurate record of all transactions and proceedings of the commission;

(2) be custodian of the files and records of the commission;

(3) issue all necessary process, writs, and notices; and

(4) perform such other duties as required by the commission.

Sec. 2.06. EMPLOYEES, AGENTS; COMPENSATION. (a) The commission shall employ such officers, hearing examiners, investigators, lawyers, engineers, economists, consultants, statisticians, accountants, inspectors, clerical staff, and other employees as it deems necessary to carry out the provisions of this Act. All employees receive such compensation as is fixed by the legislature.

(b) The commission shall employ:

(1) a director of public utilities who has wide experience in utility regulation and rate determination;

(2) a chief engineer who is a registered engineer and an expert in public-utility engineering and rate matters;

(3) a chief accountant who is a certified public accountant, experienced in public-utility accounting;

(4) a director of research who is experienced in the conduct of analyses of industry, economics, energy, fuel, and other related matters that the commission may want to undertake; and

(5) a general counsel.

(c) The general counsel and his staff are responsible for the gathering of information relating to all matters within the authority of the commission. The duties of the general counsel include:

(1) accumulation of evidence and other information from public utilities and from the accounting and technical and other staffs of the commission and from other sources for the purposes specified herein;

(2) preparation and presentation of such evidence before the commission or its appointed examiner in proceedings;

(3) conduct of investigations of public utilities under the jurisdiction of the commission;

(4) preparation of proposed changes in the rules of the commission;

(5) preparation of recommendations that the commission undertake investigation of any matter within its authority;

(6) preparation of recommendations and a report of such staff for inclusion in the annual report of the commission; and

(7) such other activities as are reasonably necessary to enable him to perform his duties.

Sec. 2.07. COMMISSION REPORTS. (a) The commission shall publish on or before September 1 of each year a report summarizing for the preceding year the proceedings of the commission, listing its expenditures and receipts and the nature of such expenditures and receipts, and setting forth other information concerning its operations that may be of general interest.

(b) In the annual report issued in the year preceding the convening of each regular session of the legislature, the commission shall make such suggestions regarding modification and improvement of the commission's statutory authority and for the improvement of utility regulation in general as it may deem appropriate for protecting and furthering the interest of the public.

(c) The commission may publish such monthly or occasional reports as it may deem advisable.

Sec. 2.08. ATTORNEY GENERAL TO REPRESENT COMMISSION. The Attorney General of the State of Texas shall represent the commission in all matters before the state courts, and any court of the United States, and before any federal public utility regulatory commission.

Sec. 2.09. OFFICES AND SEAL. The commission shall have a seal, a star of five points with the words "Texas Public Service Commission" engraved thereon. The principal offices of the commission shall be in Austin, Travis County, but additional offices in other locations within the state may be established as the commission may consider appropriate. The commission may hold sessions at any place within the state as it may consider appropriate.

ARTICLE 3. POWERS AND DUTIES OF THE COMMISSION

Sec. 3.01. JURISDICTION OF COMMISSION. (a) The commission has the general power and jurisdiction to regulate and supervise the intrastate business of every public utility and to do all things, whether specifically designated in this Act or implied herein, necessary and convenient to the exercise of this power and jurisdiction.

(b) The commission shall make and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules governing practice and procedure before the commission. The commission may call and hold hearings, administer oaths, receive evidence at hearings, issue subpoenas to compel the attendance of witnesses and the production of papers and documents, and make findings of fact and decisions with

respect to administering the provisions of this Act or the rules, orders, or other actions of the commission.

(c) The commission may act only when a quorum, which is a majority of its members, is present.

(d) Nothing in this section shall be construed to confer on the commission power or jurisdiction to regulate or supervise the rates or service of any utility owned and operated by any municipality within its boundaries either directly or through a municipally owned corporation, or to affect or limit the power, jurisdiction, or duties of the municipalities that have elected to regulate and supervise public utilities within their boundaries, except as provided in this Act.

Sec. 3.02. AVAILABILITY OF CERTAIN INFORMATION. (a) The commission shall:

(1) index and make available for public inspection all reports filed with the commission; and

(2) index and make available for public inspection comparisons of actual rates of return with those rates of return prescribed by the commission for each public utility.

(b) All items made available for public inspection are public records not subject to any exception of Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), and shall be furnished upon request to any person at prices fixed to cover costs of publication, copying, and mailing.

Sec. 3.03. RIGHTS TO INFORMATION. (a) The commission may inquire into the management and affairs of all public utilities and shall keep itself informed as to the manner and method in which the same are conducted and may obtain from any public utility all necessary information to enable the commission to perform its duties.

(b) In the event any public utility fails to furnish the commission with information required of it, the commission may issue an order directing the delinquent public utility to furnish the information forthwith or to show good cause why the information cannot be obtained. Failure of any public utility to comply with the order of the commission is a violation of this Act.

Sec. 3.04. PRODUCTION OF BOOKS AND RECORDS OF A PUBLIC UTILITY. (a) The commission may require a public utility or its officers or agents to produce books, records, accounts, and documents or certified copies of books, records, accounts, and documents when necessary to accomplish the purposes of this Act.

(b) The order requiring the officers or agents to produce books, records, accounts, and documents must state a reasonable time and place for production. The examination may be made by the general counsel or any authorized person of the staff of the general counsel.

Sec. 3.05. RIGHT TO INSPECT. A member or authorized employee of the commission may, on demand, inspect the books, accounts, papers, records, and memoranda of any public utility and examine, under oath, any officer, agent, or employee of the public utility in relation to its business and affairs. Any person who makes the demand shall produce his authority to make the inspection.

Sec. 3.06. OUT-OF-STATE INFORMATION. The commission may require, by order or subpoena served on any public utility, the production within this state at the time and place it may designate of any books, accounts, papers, or records kept by that public utility outside the state or verified copies in lieu thereof if the commission so orders. Any public utility failing or refusing to comply with any such order or subpoena is in violation of this Act.

Sec. 3.07. EXAMINING OFFICIALS AND PERSONNEL. The commission or any member or designated employee of the commission may examine any officer, agent, or employee of a public utility concerning the affairs of the public utility. The examination shall be under oath.

Sec. 3.08. AUTHORITY TO ENTER PREMISES. (a) A member, agent, or employee of the commission may enter the premises occupied by a public utility to

make inspections, examinations, and tests and to exercise any authority provided by this Act.

(b) A member, agent, or employee of the commission may act under this section only during reasonable hours and after giving reasonable notice to the utility.

(c) The public utility is entitled to be represented when inspections, examinations, and tests are made on its premises. Reasonable time for the utility to secure a representative shall be allowed before commencing an inspection, examination, or test.

Sec. 3.09. UNIFORM ACCOUNTING; FORMS. (a) Every public utility shall keep and render to the commission in the manner and form prescribed by the commission uniform accounts of all business transacted. The commission may also prescribe forms of books, accounts, records, and memoranda to be kept by such public utilities, including the books, accounts, records, and memoranda of the rendition of and capacity for service as well as the receipts and expenditures of money, and any other forms, records, and memoranda which in the judgment of the commission may be necessary to carry out any of the provisions of this Act. In the case of any public utility subject to regulation by a federal regulatory agency, compliance with the system of accounts prescribed for the particular class of utilities by such agency may be deemed a sufficient compliance with the system prescribed by the commission; provided, however, that the commission may prescribe forms of books, accounts, records, and memoranda covering information in addition to that required by the federal agency. The system of accounts and the forms of books, accounts, records, and memoranda prescribed by the commission for a public utility or class of utilities shall not conflict nor be inconsistent with the systems and forms established by a federal agency for that public utility or class of utilities.

(b) In prescribing a uniform system of accounts, the commission shall require all public utilities operating both intrastate and interstate to indicate separately the portion of each account entry dedicated or ascribed to intrastate and interstate operation, respectively. Telephone companies shall separate their intrastate account entries between local and toll services in accord with such methods as the commission shall prescribe. These separation procedures shall not conflict or be inconsistent with those prescribed by the Federal Communications Commission. All public utilities providing service both inside and outside incorporated areas, or between one incorporated area and one or more other incorporated areas, shall be required by the commission to separate account entries to reflect investment, cost and income divisions among such areas. Any separations method or procedure adopted by the commission shall apply uniformly to all public utilities of the same kind or class.

(c) The commission shall fix proper and adequate rates and methods of depreciation, amortization, or depletion of the several classes of property of each public utility and shall require every public utility to carry a proper and adequate depreciation account in accordance with such rates and methods and with such other rules and regulations as the commission prescribes.

(d) Every public utility shall keep separate accounts to show all profits or losses resulting from the sale or lease of appliances, fixtures, equipment, or other merchandise. No such profit or loss shall be taken into consideration by the commission in arriving at any rate to be charged for service by any such public utility to the extent that such merchandise is not integral to the provision of utility service.

(e) Every public utility is required to keep and render its books, accounts, records, and memoranda accurately and faithfully in the manner and form prescribed by the commission, and to comply with all directions of the commission relating to such books, accounts, records, and memoranda. The commission may require the examination and audit of all accounts.

(f) In determining the allocation of tax savings derived from application of such methods as liberalized depreciation and amortization and the investment tax credit, the commission shall equitably balance the interests of present and future customers and

shall apportion such benefits between consumers and the public utilities accordingly. Where any portion of the investment tax credit has been retained by a public utility, that same amount shall be deducted from the original cost of the facilities or other addition to the rate base to which the credit applied to the extent allowed by the Internal Revenue Code.

(g) For the purposes of this section, "public utility" includes "municipally owned utility."

Sec. 3.10. OFFICE; DOCUMENTS IN STATE. Every public utility shall have an office in a county of this state, in which its property or some part thereof is located, in which it shall keep all books, accounts, records, and memoranda required by the commission to be kept in the state. No books, accounts, records, or memoranda required by the commission to be kept in the state shall be removed from the state except on conditions prescribed by the commission.

Sec. 3.11. REPORTS. The commission may:

(1) require that public utilities report to the commission such information relating to themselves and affiliated interests both inside and outside the State of Texas as the commission may reasonably consider useful in the administration of this Act;

(2) establish forms for all reports;

(3) determine the time for reports and the frequency with which any reports are to be made;

(4) require that any reports be verified;

(5) require that a copy of any contract or arrangement between any public utility and any affiliated interest be filed with the commission; the commission may require any such contract or arrangement not in writing to be reduced to writing and filed with the commission;

(6) require that a copy of any report filed with any federal agency or any governmental agency or body of any other state be filed with the commission; and

(7) require that a copy of annual reports showing all payments of compensation (other than salary or wages subject to the withholding of federal income tax) to residents of Texas or with respect to legal, administrative, or legislative matters in Texas or for representation before the Texas legislature or any governmental agency or body.

Sec. 3.12. SCHEDULES. (a) Every public utility shall file with the commission, in such form and at such times as the commission shall designate, schedules showing all rates which are established and in force at the time or to be enforced in the future for any service performed by it in the state or for any service in connection therewith or performed by any public utility controlled or operated by it.

(b) Every public utility shall file with and as a part of the schedule all rules, regulations, classifications, privileges, or facilities granted or allowed and any form of contract or agreement which in any manner affects or relates to rates or service.

(c) Every public utility engaged in rendering interstate service to and from points in this state shall file with the commission schedules showing all rates and classifications for such service.

(d) Where a schedule of joint rates or charges is in force between public utilities, such schedules shall in like manner be filed with the commission. The commission may allow the public utility to exclude all or part of these schedules from public display; provided, however, that nothing here is intended to permit withholding of such information from any person.

(e) Every public utility shall keep copies of the schedules open to public inspection in a form and place readily accessible to the public, under such rules and regulations as the commission may prescribe.

Sec. 3.13. INFORMAL COMMUNICATIONS. (a) The commission shall prescribe regulations governing communications by public utilities, their affiliates and their representatives, with the commission or any member or employee of the commission.

(b) Such records shall contain the name of the person contacting the commission or member or employee of the commission, the name of the business entities represented, a brief description of the subject matter of the communication, and the action, if any, requested by the public utility, affiliate, or representative. These records shall be available to the public on a monthly basis.

Sec. 3.14. SERVICE. (a) Every public utility shall furnish such service, instrumentalities, and facilities as shall be safe, adequate, efficient, and reasonable.

(b) The commission, after reasonable notice and hearing had on its own motion or on complaint, may ascertain and fix just and reasonable standards, classifications, regulations, or practices to be observed and followed by any or all public utilities with respect to the service to be furnished; ascertain and fix adequate and reasonable standards for the measurement of the quantity, quality, pressure, initial voltage, or other condition pertaining to the supply of the service; prescribe reasonable regulations for the examination and testing of the service and for the measurement thereof; and establish or approve reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters, instruments, and equipment used for the measurement of any service of any public utility. Any standards, classifications, regulations, or practices now or hereafter observed or followed by any public utility may be filed by it with the commission, and the same shall continue in force until amended by the public utility or until changed by the commission as herein provided.

Sec. 3.15. TESTING OF MEASURING DEVICES; CONSUMER REQUESTS; FEES. (a) The commission may examine and test any meter, instrument, or equipment used for the measurement of any service of any public utility and may enter any premises occupied by any public utility for the purpose of making such examinations and tests and exercising any power provided for in this Act and may set up and use on such premises any apparatus and appliances necessary therefor. The public utility shall have the right to be represented at the making of the examinations, tests, and inspections. The public utility and its officers and employees shall facilitate the examinations, tests, and inspections by giving every reasonable aid to the commissioners and any person or persons designated by the commission for the duties aforesaid.

(b) Any consumer or user may have any meter or measuring device tested by the utility once without charge, after a reasonable period to be fixed by the commission by rule, and at shorter intervals on payment of reasonable fees fixed by the commission. The commission shall declare and establish reasonable fees to be paid for other examining and testing such meters and other measuring devices on the request of the consumer. If the test is requested to be made within the period of presumed accuracy as fixed by the commission since the last such test of the same meter or other measuring device, the fee to be paid by the consumer or user at the time of his request shall be refunded to the consumer or user if the meter or measuring device is found unreasonably defective or incorrect to the substantial disadvantage of the consumer or user. If the consumer's request is made at a time beyond the period of presumed accuracy fixed by the commission since the last such test of the same meter or measuring device, the utility shall make the test without charge to the consumer or user.

ARTICLE 4.

STANDARDS GOVERNING ESTABLISHMENT OF UTILITY RATES

Sec. 4.01. REGULATORY AUTHORITY. Subject to the provisions of Articles 7 and 9 of this Act, the commission is hereby vested with all authority and power of the State of Texas to insure compliance with the obligations of public utilities enumerated in this Act. For this purpose the commission is empowered to fix and regulate rates of public utilities, including rules and regulations for determining the classification of customers and services and for determining the applicability of rates. No rule or order of the commission shall be in conflict with the rulings of any federal regulatory body.

Sec. 4.02. **REASONABLE RATES.** It shall be the duty of the commission to insure that every rate made, demanded, or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable. Rates shall not be unreasonably preferential, prejudicial, or discriminatory but shall be sufficient, equitable, and consistent in application to each class of consumers. For ratemaking purposes, the commission may treat two or more municipalities served by a public utility as a single class wherever the commission deems such treatment to be appropriate.

Sec. 4.03. **STANDARDS.** In fixing the rates of a public utility the commission shall fix its overall revenues at a level which will permit such utility to recover its operating expenses together with a reasonable return on its invested capital.

Sec. 4.04. **REASONABLE RETURN.** (a) "Reasonable return" means that annual net income of a public utility, after deduction of all allowable expenses, which shall be sufficient to assure confidence in the financial integrity of the enterprise so as to maintain its credit and to attract required capital and to provide to the investors a return commensurate with returns on investments in other enterprises having corresponding risks. "Reasonable rate of return" means a reasonable return expressed as a percentage of the invested capital recorded on the books of the utility.

(b) In any proceeding involving any proposed change of rates, the burden of proof to show that the proposed change, if proposed by the utility, or that the existing rate, if it is proposed to reduce the rate, is just and reasonable shall be on the public utility.

Sec. 4.05. **INVESTED CAPITAL AND NET INCOME.** The components of invested capital and net income shall be determined according to the following rules:

(a) **Invested Capital.** Utility rates shall be based upon the adjusted value of property used by and useful to the public utility in providing service. The adjusted value of such property shall be a reasonable balance between original cost less depreciation and current cost less an adjustment for both present age and condition. The adjustment for both present age and condition shall not be a lesser percentage of current cost than book depreciation reserve is of original cost. The commission shall have the discretion to determine a reasonable balance that reflects not less than 60 percent original cost (that is, the actual money cost, or the actual money value of any consideration paid other than money, of the property at the time it shall have been dedicated to public use, whether by the utility which is the present owner or by a predecessor, less depreciation) nor more than 40 percent current cost less an adjustment for both present age and condition. The commission may consider inflation, deflation, quality of service being provided, the growth rate of the service area, and the need for the public utility to attract new capital in determining a reasonable balance.

(b) **Separations.** Costs of facilities, revenues, expenses, taxes, and reserves shall be separated as prescribed by the commission.

(c) **Net Income.** By "net income" is meant the total revenues of the public utility less all reasonable and necessary expenses as determined by the commission; the commission shall determine expenses and revenues in a manner consistent with the following: -

(1) **Depreciation.** Depreciation shall be determined according to the rates and allowances prescribed pursuant to Subsection (a), Section 3.13 of this Act.

(2) **Interest.** Interest expense, excluding interest payments on long-term debt as defined by the uniform system of accounts, shall be allowed as an expense of doing business. Interest allocable to plant under construction and interest on long-term debt shall be capitalized. In the case of a public utility doing business in more than one state, the interest expense shall be allocated as between states according to the relative values of the physical plant in the various states. If the utility is a member of an affiliated group of companies, the interest expense allowable shall be its proportionate part of the interest expense of the entire affiliated group.

(3) **Transactions with Affiliated Interests.** Payment to affiliated interests for costs of any services, or any property, right, or thing or for interest expense shall not be allowed either as capital cost or as expense except to the extent that the commission shall find such payment to be reasonable. Any such finding of reasonableness shall include specific statements setting forth the cost to the affiliate of each item or class of items in question and a finding that the price to the utility is no higher than prices charged by the supplying affiliate to its other affiliates or divisions for the same item or items, or to unaffiliated persons or corporations.

(4) **Income Taxes.** If the public utility is a member of an affiliated group that is eligible to file a consolidated income tax return and if it is advantageous to the public utility to do so, income taxes shall be computed as though a consolidated return had been so filed and the utility had realized its fair share of the savings resulting from the consolidated return, unless it is shown to the satisfaction of the commission that it was reasonable to choose not to consolidate returns. The amounts of income taxes saved by a consolidated group of which a public utility is a member by reason of the elimination in the consolidated return of the intercompany profit on purchases by the public utility from an affiliate shall be applied to reduce the cost of the property or services so purchased. The investment tax credit allowed against federal income taxes, to the extent retained by the utility, shall be applied as a reduction in the rate-base contribution of the assets to which such credit applies, to the extent and at such rate as allowed by the Internal Revenue Code.

(5) **Expenses Disallowed.** The commission may promulgate reasonable rules and regulations with respect to the allowance or disallowance of certain expenses for ratemaking purposes.

(6) **Rate Proceedings.** Expenditures in connection with any rate proceeding under this Act shall be capitalized and amortized over such period as the commission may prescribe. Expenditures in connection with other proceedings before the commission shall be allowed as expenses as they are incurred, unless they are found to be unreasonable.

Sec. 4.06. RATE PROCEEDINGS. Whenever the commission, after reasonable notice and hearing, on its own motion or on complaint by any affected person, finds that the existing rates of any public utility for any service are unreasonable or in any way in violation of any provision of law, the commission shall determine the just and reasonable rates, including maximum or minimum rates, to be thereafter observed and in force and shall fix the same by order to be served on the public utility; and such rates shall constitute the legal rates of the public utility until changed as provided in this Act. Whenever a public utility does not itself produce or generate that which it distributes, transmits, or furnishes to the public for compensation, but obtains the same from another source, the commission shall have the power and authority to investigate the cost of such production or generation in any investigation of the reasonableness of the rates of such public utility.

Sec. 4.07. RATE CHANGES: PROCEDURE, HEARING. (a) No public utility shall make any change in any duly established rate except after 30 days' notice to the commission and to the governing body of each municipality and county which shall be affected by such change and after publication in conspicuous form and place of a notice to the public of such proposed change once in each week for four successive weeks in a newspaper having general circulation in each county containing territory affected by the proposed change, which notice shall plainly state the changes proposed and the time when they go into effect. The notice to the commission shall include statements of facts, expert opinions, substantiating documents, and exhibits supporting the change requested and further shall state the change proposed to be made in the rates then in force, the expected resulting change in revenues to the utility, and the time when the modified rates will go into effect. All proposed changes shall be shown by filing new schedules or shall be plainly indicated on the schedules filed and in force at the time and kept open to public inspection. The commission, for good cause shown, may,

except in the case of major changes, allow changes in rates to take effect prior to the end of such 30-day period under such conditions as it may prescribe, subject to suspension as provided herein. All such changes shall be indicated immediately upon its schedules by such utility. For the purpose of this subsection, "major changes" shall mean an increase in rates which would increase the aggregate revenues of the applicant more than the greater of \$100,000 or two and one-half percent, but shall not include changes in rates allowed to go into effect by the commission or made by the utility pursuant to an order of the commission after hearings held upon notice to the public.

(b) Whenever there is filed with the commission any schedule modifying or resulting in a change in any rates then in force, the commission shall on complaint by any affected person or may on its own motion, at any time within 60 days from the date when such change would or has become effective, and, if it so orders, without answer or other formal pleading by the utility but on reasonable notice, including notice to the governing bodies of all affected municipalities and counties, enter on a hearing to determine the propriety of such change. The commission shall hold such a hearing in every case in which the change constitutes an increase in rates, provided that an informal proceeding may satisfy this requirement if no complaint has been received before the expiration of 45 days after notice of the change shall have been filed.

(c) Pending the hearing and decision, the commission, after delivery to the affected utility of a statement in writing of its reasons therefor, may suspend the operation of the schedule for a period not to exceed 180 days beyond the date on which the schedule of rates would otherwise go into effect. If the commission finds that a longer time will be required for a final determination, the commission may further extend the period for an additional 60 days. If the commission does not make a final determination concerning any schedule of rates within a period of 240 days after the time when the schedule of rates would otherwise go into effect, the schedule shall be deemed to have been approved by the commission. This approval is subject to the authority of the commission thereafter to continue a hearing in progress or to commence a hearing pursuant to Subsection (b) of this section. No new temporary rates may be fixed before the expiration of 120 days following the end of the suspension period.

(d) The commission may in its discretion fix temporary rates for any period of suspension under this section. During the suspension by the commission as above provided, the rates in force when the suspended schedule was filed shall continue in force unless the commission shall establish a temporary rate. The commission may give preference to the hearing and decision of questions arising under this section over all other questions pending before it and decide the same as speedily as possible.

(e) Notwithstanding any order of suspension of a proposed increase in rates, the public utility may put the suspended schedule into effect 180 days from the date it would have become effective if not suspended, or any date subsequent thereto within the suspension period, by filing with the commission a bond in an amount approved by the commission with sureties approved by the commission conditioned on the refund, in a manner to be prescribed by order of the commission, of the excess in increased rates, including interest thereon, which shall be at the current rate of interest as determined by the commission, collected during the period of the suspension if the schedule so put into effect is finally disallowed by the commission. There may be substituted for the bond other arrangements satisfactory to the commission for the protection of persons affected. During any such period when suspended rates are in effect under bond or other arrangement, the commission may, in its discretion, require that the public utility involved keep an accurate account of payments made under the rate or rates which the public utility has put into operation in excess of the rate or rates in effect immediately prior thereto. If the public utility fails to make refund within 30 days after such final determination or within such additional period of time as may be allowed by the commission for good cause shown, the commission shall sue therefor and is authorized to recover on behalf of all persons entitled to a refund. In addition to the amount of the

refund and interest due, the commission shall be entitled to recover reasonable attorneys' fees, court costs, and the estimated cost of administering the distribution of the refund to persons entitled thereto. If the commission fails to file suit for a refund within a reasonable time, any person or corporation entitled to a refund may sue the utility in behalf of himself or itself and all other persons and corporations entitled to such refund. The amount and elements of recovery shall be the same as if the commission had sued. No suit under this subsection shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. No public utility shall put a suspended rate schedule into effect as provided by this subsection until at least 120 days after the commission has made a determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under Subsection (c) of this section.

(f) If, after hearing, the commission finds the rates to be unreasonable or in any way in violation of any provision of law, the commission shall determine the level of rates to be charged or applied by the utility for the service in question and shall fix the same by order to be served upon the utility; these rates are thereafter to be observed until changed, as provided by this Act.

Sec. 4.08. **RURAL AREA REGULATION.** Public utility rates for areas not within any municipality shall not exceed without commission approval 115 percent of the average of all rates for similar services of all municipalities served by the same utility within the same county.

Sec. 4.09. **DISCRIMINATION.** No public utility may, as to rates or services, make or grant any unreasonable preference or advantage to any corporation or person within any classification or subject any corporation or person within any classification to any unreasonable prejudice or disadvantage. No public utility may establish and maintain any unreasonable differences as to rates of service either as between localities or as between classes of service.

Sec. 4.10. **ADHERENCE TO SCHEDULES.** No public utility may, directly or indirectly, by any device whatsoever or in any manner, charge, demand, collect, or receive from any person a greater or lesser compensation for any service rendered or to be rendered by the utility than that prescribed in the schedule of rates of the public utility applicable thereto when filed in the manner provided in this Act nor may any person knowingly receive or accept any service from a public utility for a compensation greater or lesser than that prescribed in the schedules, provided that all rates being charged and collected by a public utility upon the effective date of this Act may be continued until schedules are filed. Nothing in this Act shall prevent a cooperative corporation from returning to its members the whole or any part of the net earnings resulting from its operations in proportion to their purchases from or through the corporation.

Sec. 4.11. **RESTRAINT OF COMPETITION.** No public utility may discriminate against any person or corporation that sells or leases equipment or performs service in competition with the public utility nor may any public utility engage in any other practice that tends to restrict or impair such competition.

Section 4.12. **PAYMENTS IN LIEU OF TAXES.** No payments made in lieu of taxes by a public utility to the municipality by which it is owned may be considered an expense of operation for the purpose of determining, fixing, or regulating the rates to be charged for the provision of utility service to a school district or hospital district. No rates received by a public utility from a school district or hospital district may be used to make or to cover the cost of making payments in lieu of taxes to the municipality by which the public utility is owned.

ARTICLE 5. CERTIFICATES OF CONVENIENCE AND NECESSITY

Sec. 5.01. **DEFINITIONS.** For the purposes of this article only, the following definitions apply:

(1) "Retail public utility" means any person, firm, corporation, partnership, municipality, political subdivision, or agency, or cooperative corporation, now or hereafter operating, maintaining, or controlling in Texas facilities for providing retail utility service.

(2) "Retail utility service" means utility service furnished to a customer for ultimate consumption but does not include wholesale utility service furnished by a public utility to another utility for resale.

(3) "Customer" means any person, or any other entity whatsoever, contracting for or purchasing retail utility service from a retail public utility.

(4) "Utility service-consuming facility" means anything that utilizes utility services from a central-station source.

(5) "Public utility" or "utility" as used in this article includes, in addition to those persons and corporations defined in Article 1 of this Act, municipally owned utilities.

Sec. 5.02. CERTIFICATES REQUIRED. Beginning one year after the effective date of this Act, unless otherwise specified:

(1) No public utility may begin the construction, installation, or operation of any new facility or system, or the construction or installation of any extension, improvement, or addition to its existing facilities, without first having obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction, installation, operation, or extension.

(2) No public utility may exercise any right or privilege or in any way render service directly to the public, or indirectly by serving any other public utility or agency engaged in public utility service, under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted but not heretofore actually exercised, or the exercise of which has been suspended for more than one year, without first having obtained from the commission a certificate that public convenience and necessity require the exercise of such right or privilege. This section shall not validate any right or privilege now invalid or hereafter becoming invalid under any law of this state.

(3) Except as otherwise provided in this article:

(A) No retail public utility may furnish, make available, render, or extend retail public-utility service to any utility service-consuming facility without first having obtained a certificate of public convenience and necessity that includes the area in which the consuming facility is located.

(B) No retail public utility may furnish, make available, render, or extend retail public-utility service to any utility service-consuming facility to which retail utility service is being lawfully furnished by another retail public utility on the effective date of this Act or to which retail utility service is lawfully commenced thereafter in accordance with this article by another retail public utility.

Sec. 5.03. EXCEPTIONS. (a) A public utility is not required to secure a certificate of public convenience and necessity for:

(1) an extension into territory contiguous to that already served by it and not receiving similar service from another public utility and not within the area of public convenience and necessity of another utility of the same kind;

(2) an extension within or to territory already served by it or to be served by it under a certificate of public convenience and necessity necessary in the ordinary course of its business; or

(3) construction, operation, extension, or service in progress on the effective date of this Act, until the expiration of six months as allowed by Section 5.06 of this Act.

(b) Any extensions allowed by Subsection (a) of this section shall be limited to devices for interconnection of existing facilities or devices used solely for transmitting public utility services from existing facilities to customers of retail utility service.

Sec. 5.04. APPLICATION FOR CERTIFICATES. (a) A public utility shall submit to the commission an application in the form prescribed by the commission to

obtain a certificate of public convenience and necessity or an amendment thereof.

(b) On or before 90 days after the effective date of this Act, or at a later date on request in writing by a public utility when good cause is shown, or at such later dates as the commission may order, each public utility shall file with the commission a map or maps showing all its facilities and illustrating separately facilities for generation, transmission, and distribution of its services. The map or maps filed by a retail public utility shall indicate the boundaries of the area which it is serving at that time and the area which it plans to serve from existing generation or transmission facilities or those under construction.

(c) The commission may from time to time require the filing of revised maps showing alterations and additions made since the last prior filing.

Sec. 5.05. FILING OF EVIDENCE OF ISSUANCE OF FRANCHISE; NOTICE. (a) Each applicant for a certificate shall file with the commission such evidence as is required by the commission to show that the applicant has received the required consent, franchise, or permit of the proper municipality or other public authority.

(b) Each applicant for a certificate shall give reasonable notice of its application to all affected persons in such form and manner as the commission prescribes.

Sec. 5.06. CERTIFICATES FOR PRIOR OPERATION. (a) On application made to the commission within six months after the effective date of this Act, the commission shall issue a certificate of public convenience and necessity for the construction or operation then being conducted to any public utility actually providing service to any geographical area on the effective date of this Act or to any person or corporation actively engaged on the effective date of this Act in the construction, installation, extension, or improvement of or addition to any facility or system used or to be used in providing public utility service.

(b) The commission shall prepare or cause to be prepared a map or maps of uniform scale to show, accurately and clearly, the boundaries of the area of public convenience and necessity of each retail public utility and shall, on request, issue such map or maps of areas of public convenience and necessity to any retail public utility.

(c) A public utility that fails to comply with the provisions of this section within the six-month period following the effective date of this Act is guilty of violating this Act and is punishable under the provisions of Article 10 of this Act.

Sec. 5.07. ISSUANCE OF CERTIFICATE OF CONVENIENCE AND NECESSITY: TERMS AND CONDITIONS. (a) When an application for a certificate of public convenience and necessity is filed, the commission shall give notice of such application to interested parties and, if requested, shall fix a time and place for a hearing and give notice of the hearing. Any person interested in the application may intervene at the hearing.

(b) In reaching its decision, the commission may make any inquiries, physical examinations, valuations, and investigations and may require any plans, specifications, and estimates of cost it considers necessary.

(c) Except for certificates issued under Section 5.06 of this Act, the commission may grant applications and issue certificates only if the commission finds that the certificate is necessary for the service, accommodation, convenience, or safety of the public. The commission may issue the certificate as prayed for or refuse to issue it or issue it for the construction of a portion only of the contemplated system or facility or extension thereof or for the partial exercise only of the right or privilege.

(d) The commission may attach to the exercise of the rights granted by a certificate such terms and conditions as in its judgment the public convenience and necessity require.

(e) Certificates of convenience and necessity shall be granted on a nondiscriminatory basis after consideration by the commission of the adequacy of existing service, the need for additional service, the effect of the granting of a certificate on the recipient of the certificate and on any public utility of the same kind already

serving the proximate area, and on such factors as community values, recreational and park areas, historical and aesthetic values, environmental integrity, and the probable improvement of service or lowering of cost to consumers in such area resulting from the granting of such certificate.

Sec. 5.08. EFFECT OF ANNEXATION AND INCORPORATION. (a) If an area has been or shall be included within the boundaries of a city, town, or village as the result of annexation, incorporation, or otherwise, all public utilities certified or entitled to certification under this Act to provide service or operate facilities in such area prior to the inclusion shall have the right to continue and extend service in their areas of public convenience and necessity within the annexed or incorporated area, pursuant to the rights granted by their certificate and this Act.

(b) Notwithstanding any other provision of law, a public utility shall have the right to continue and extend service within its area of public convenience and necessity and to utilize the roads, streets, highways, alleys, and public property for the purpose of furnishing such retail utility service, subject to the authority of the governing body of a municipality to require any public utility, at its own expense, to relocate its facilities to permit the widening or straightening of streets by giving to the public utility 30 days' notice and specifying the new location for the facilities along the right-of-way of the street or streets.

(c) This section may not be construed as limiting the power of cities, towns, and villages to incorporate or extend their boundaries by annexation nor may this section be construed as prohibiting any city or town from levying taxes and other special charges for the use of the streets as are authorized by Article 11.03, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925.

Sec. 5.09. CONTRACTS FOR ALLOCATION OF SERVICE. Contracts between retail public utilities designating areas to be served and customers to be served by those utilities, when approved by the commission, shall be valid and enforceable and shall be incorporated into the appropriate areas of public convenience and necessity.

Sec. 5.10. PRELIMINARY ORDER. If a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing but which has not as yet been granted to it, such public utility may apply to the commission for an order preliminary to the issuance of the certificate. The commission may thereupon make an order declaring that it will, on application, under such rules as it prescribes, issue the desired certificate on such terms and conditions as it designates, after the public utility has obtained the contemplated franchise or permit. On presentation to the commission of evidence satisfactory to it that the franchise or permit has been secured by the public utility, the commission shall issue the certificate.

Sec. 5.11. DISCONTINUANCE. (a) The holder of any certificate of public convenience and necessity, whether a municipal utility, governmental subdivision, cooperative corporation, or other public utility, shall serve every consumer within its certified area and shall render continuous and adequate service within the area or areas.

(b) Unless the commission issues a certificate that neither the present nor future convenience and necessity will be adversely affected, the holder of a certificate shall not discontinue, reduce, or impair service to a certified service area or part thereof except for:

- (1) nonpayment of charges;
- (2) nonuse; or
- (3) other similar reasons in the usual course of business.

(c) Any discontinuance, reduction, or impairment of service, whether with or without approval of the commission, shall be in conformity with and subject to such conditions, restrictions, and limitations as the commission shall prescribe.

Sec. 5.12. ASSIGNABILITY. If the commission determines that a purchaser, assignee, or lessee is capable of rendering adequate service, a public utility may sell, assign, or lease a certificate of public convenience and necessity or any rights obtained

under the certificate. The sale, assignment, or lease shall be on the conditions prescribed by the commission.

Sec. 5.13. **COMPLAINTS.** (a) Any interested party may file a complaint with the commission alleging violation of any section of this article or alleging violation of any order or rule of the commission relating to issuance or nonissuance of a certificate of public convenience and necessity.

(b) Complaints made under this section shall be determined by notice and hearing.

Sec. 5.14. **INTERFERING WITH ANOTHER UTILITY.** (a) Notwithstanding the provisions of this Act or any other provisions of law or the terms of any franchise, permit, license, or other authority granted to a public utility by a municipality or other governmental subdivision, no public utility may furnish or offer to furnish service in any area certified by the commission for the same service to another public utility nor may any public utility attempt to serve any consumer presently receiving service from another public utility.

This subsection shall not apply to radio-telephone utilities operating pursuant to a certificate granted under Section 5.18 hereof.

(b) If a public utility in constructing or extending its lines, plant, or system interferes or attempts to interfere with the operation of a line, plant, or system of any other public utility, the commission may issue an order prohibiting the construction or extension or prescribing terms and conditions for locating the lines, plants, or systems affected.

(c) The commission may issue the order only after notice and hearing. The order must be just and reasonable.

Sec. 5.15. **OPERATING WITHOUT A PERMIT.** (a) When a public utility engages in constructing or operating without a certificate or threatens to discontinue or abandon service or discontinues or abandons service without a certificate, any interested person may file a complaint with the commission.

(b) With or without notice, the commission may order the utility to cease and desist until the commission files a final decision on the complaint or issues a further order.

(c) After notice and hearing, the commission may issue an order prescribing the terms and conditions relating to the proposed construction, operation, abandonment, or discontinuance. The order must be just and reasonable.

Sec. 5.16. **IMPROVEMENT AND EXTENSION OF SERVICE; TRANSFER OF CALLS AND METROPOLITAN AREA SERVICE.** (a) After notice and hearing, the commission may:

(1) order a retail public utility to provide service in a given area if it is reasonable to require that such service be provided;

(2) order a public utility to provide specified improvements in its service in a defined area if service in such area is inadequate or is substantially inferior to service in a comparable area and it is reasonable to require the company to provide such improved service;

(3) order two or more public utilities to establish specified facilities for the interconnecting service; and

(4) order a telephone company or telephone companies to provide extended area toll-free service within a specified metropolitan area where there is a sufficient community of interest within the area, and such service can reasonably be provided.

(b) Any order entered by the commission under the provisions of this section shall provide reasonable time limits for compliance with its terms.

Sec. 5.17. **REVOCATION OR AMENDMENT OF CERTIFICATE OF CONVENIENCE AND NECESSITY.** (a) The commission at any time after notice and hearing may revoke or amend any certificate of convenience and necessity if it finds:

(1) that the certificate holder has failed to comply with an order made under the provisions of Section 5.16 of this Act;

(2) that the certificate holder has never provided or is no longer providing service in the area, or part of the area, covered by the certificate; or

(3) that the certificate holder has committed a substantial violation of any of the provisions of this Act or of any rule, regulation, or order of the commission.

(b) When the certificate of any public utility is revoked or amended, the commission may require one or more public utilities to provide service in the area in question and to acquire on such terms and conditions as the commission may prescribe so much of the systems and facilities of the public utility holding the revoked or amended certificate as the commission finds will be useful in providing such service.

Sec. 5.18. **RADIO-TELEPHONE UTILITIES.** The provisions of this section apply only to radio-telephone utilities and shall be controlling over conflicting provisions of this Act when applied to radio-telephone utilities.

(a) A certificate of public convenience and necessity shall be required of any radio-telephone company before the commencing of any construction, operations, or geographical extensions by a radio-telephone company. This commission, pursuant to the provisions of this Act and its rules and regulations, may refuse to issue, issue, or issue only as to a part of the privilege sought a certificate of public convenience and necessity.

(b) In determining whether a certificate of public convenience and necessity shall be issued, the commission shall take into consideration, among other things, the public need for the proposed service, the suitability of the applicant, the financial capability of the applicant, the ability of the applicant to perform the service requested, and the inadequacy of any existing radio-telephone utility service serving the proposed area.

ARTICLE 6. SALE OF PROPERTY AND MERGERS

Sec. 6.01. **AUTHORIZATION FOR TRANSFER OF PROPERTY, MERGER OR CONSOLIDATION.** No public utility may sell, acquire, lease, or rent any plant as an operating unit or system in this state for a total consideration in excess of \$100,000 or merge or consolidate with another public utility operating in this state without first being authorized to do so by the commission. On the filing of an application for the approval and consent of the commission, the commission shall investigate the same with or without public hearing, and if it finds that the proposed action is consistent with the public interest, it shall give its consent and approval by order in writing. In reaching its determination, the commission shall take into consideration the reasonable value of the property, facilities, or securities to be acquired or disposed of or merged and consolidated. The provisions of this section shall not be construed as applicable to the purchase of units of property for replacement or to the addition to the facilities of the public utility by construction.

Sec. 6.02. **STOCK PURCHASE.** No public utility may purchase voting stock in another public utility doing business in Texas without first having made application to and received the consent of the commission by order.

Sec. 6.03. **APPROVAL OF LOANS.** Except with the consent and approval of the commission first, no public utility may loan money, stocks, bonds, notes, or other evidences of indebtedness to any corporation or person owning or holding directly or indirectly any stock of the public utility.

ARTICLE 7. MUNICIPALITIES

Sec. 7.01. **GRANTING OF FRANCHISE.** Nothing in this Act shall be construed as in any way limiting the rights and powers of a municipality to grant or refuse franchises to use the streets and alleys within its limits and to make the statutory charges for the use thereof, but no provision of any franchise agreement shall limit or interfere with any power conferred on the commission by this Act. If a municipality performs regulatory functions under this Act, it may make such other charges as may be provided in the applicable franchise agreement, together with any other charges

permitted by this Act.

Sec. 7.02. COMMISSION TO ADVISE. The commission shall advise and assist municipalities in connection with questions and proceedings arising under this Act. Such assistance may include aid to municipalities in connection with matters pending before the commission or the courts or before the governing body of any municipality which has elected to be exempt from Article 4 of this Act, pursuant to Section 7.03 of this Act, including making members of the staff available as witnesses and otherwise providing evidence to them.

Sec. 7.03. REGULATION OF LOCAL UTILITY SERVICE BY MUNICIPALITIES. (a) Municipalities shall continue to regulate local utility service within their boundaries in accordance with this article until 120 days following the first municipal election after the effective date of this Act. At that time, the commission shall begin to regulate the utilities previously regulated by the municipality unless the qualified voters of the municipality elect to regulate local utility service within the municipality's boundaries.

The governing body may, on its own motion, or shall, on petition of 10 percent or 20,000, whichever is less, of the qualified voters, submit such question at an appropriate municipal election. The qualified voters may make such an election at any subsequent municipal election if the election is not made at the first municipal election after the effective date of this Act. The election is not effective unless a certified copy of the results of the election is filed with the commission within 30 days after the date of the election. If a municipality makes the election, local utility service within the boundaries of the municipality shall be exempt from regulation by the commission under the provisions of Article 4 of this Act to the extent that that article applies to local service, and the municipality shall have, regarding service within its boundaries, the right to exercise the same regulatory powers under the same standards and rules as the commission or other standards and rules not inconsistent therewith. Notwithstanding any such election, the commission may consider a public utility's revenues and return on investment in exempt areas in fixing rates and charges in nonexempt areas and may also exercise the powers conferred under this Act within exempt areas to the extent it considers necessary to give effect to orders under this Act for the benefit of nonexempt areas. Likewise, in fixing rates and charges in the exempt area, the governing body may consider a public utility's revenues and return on investment in nonexempt areas. Utilities serving exempt areas shall be subject to the reporting requirements of Article 3 of this Act. Such reports shall be filed with the governing body of the municipality as well as with the commission. Nothing in this section shall limit the duty and power of the commission to regulate service and rates of municipally regulated utilities for service provided to other areas in Texas. Notwithstanding any other provision of this section, municipalities shall continue to regulate each kind of local utility service inside their boundaries until the commission has assumed jurisdiction over the respective utility pursuant to this Act.

(b) A municipality that elects to regulate utility service inside its boundaries may by similar election, held at least five years after the date of the prior election, surrender all utility regulatory authority to the commission; provided that the commission shall prescribe the date, not later than 18 months after such election, on which it shall assume regulatory jurisdiction over the previously exempt service.

Sec. 7.04. REGULATORY RESPONSIBILITY OF MUNICIPALITIES. Any municipality electing to regulate its public utilities pursuant to Section 7.03 of this Act shall require from those utilities all necessary data to make a reasonable determination of rate base, expenses, investment, and rate of return within the municipal boundaries. The standards for such determination shall be based on the procedures and requirements of Article 4 of this Act, and said municipality shall retain any and all personnel necessary to make the determination of reasonable rates required under Article 4 of this Act.

Sec. 7.05. **APPEALS.** (a) Any party to a rate proceeding before the governing body of a municipality which has elected to regulate public utilities within the municipal boundaries may appeal the decision of the governing body to the commission.

(b) The same right of appeal plus the right to appeal from any action of a municipality increasing any rate of any municipally owned gas or electric utility shall exist for the citizens of such a municipality if a petition calling for such appeal is signed by a number of citizens equaling five percent of the total electorate who voted in the last regular election for municipal office. The city secretary shall certify the validity of the names of such petition.

(c) The appeal process shall be instituted within 30 days of the final decision by the governing body with the filing of a petition for review with the commission and copies served on all parties to the original rate proceeding.

(d) The review of the decision of the governing body shall be under the substantial evidence rule.

Sec. 7.06. **TELEPHONE SERVICE EXCEPTED.** Telephone service is excluded from optional municipal regulation of local utility service authorized by Sec. 7.03.

ARTICLE 8. RELATIONS WITH AFFILIATED INTERESTS

Sec. 8.01. **JURISDICTION OF COMMISSION.** The commission shall have jurisdiction over affiliated interests having transactions with public utilities under the jurisdiction of the commission. Such jurisdiction shall extend to access to all accounts and records of such affiliated interests relating to such transactions including but in no way limited to accounts and records of joint or general expenses, any portion of which may be applicable to such transactions, and to the authority to require such reports to be submitted by such affiliated interests as the commission may prescribe.

Sec. 8.02. **TRANSACTIONS AMONG AFFILIATED INTERESTS.** (a) No contract or arrangement providing for the furnishing of management, supervisory, construction, engineering, accounting, legal, financial, or similar services and no contract or arrangement for the purchase, sale, lease, or exchange of any property, right, or thing or for the furnishing of any service, property, right, or thing, other than those above enumerated, made or entered into after the effective date of this Act between a public utility and any affiliated interest as defined in this Act shall be valid or effective unless and until the contract or arrangement has received the written approval of the commission unless within the exception provided by Subsection (b) of this section. It shall be the duty of every public utility to file with the commission a verified copy of the contract or arrangement, or a verified summary of the unwritten contract or arrangement, and also of all the contracts and arrangements, whether written or unwritten, entered into prior to the effective date of this Act and in force and effect at that time. No contract or arrangement shall receive the commission's approval unless satisfactory proof is submitted to the commission of the cost to the affiliated interest of rendering the services or of furnishing the property or service described herein to each public utility. The burden of proof to establish the reasonableness of the contract or arrangement shall be on the public utility.

(b) The provisions of this section requiring the written approval of the commission do not apply to transactions with affiliated interests where the amount of consideration involved is not in excess of \$10,000 or five percent of the capital equity of the utility, whichever is smaller; provided, however, that regularly recurring payments under a general or continuing arrangement which aggregate a greater annual amount shall not be broken down into a series of transactions to come within the aforesaid exemption. Such transactions shall be valid or effective without commission approval under this section.

(c) In any proceeding, whether on the commission's own motion or on application or complaint, involving the rates or practices of any public utility, the commission may exclude from the accounts of the public utility any payment or compensation to an affiliated interest for any services rendered or property or service

furnished, as above described, under existing contracts or arrangements with the affiliated interest except to the extent that the utility shall establish the reasonableness of the payment or compensation.

(d) The commission shall have continuing supervisory control over the terms and conditions of the contracts and arrangements herein described so far as necessary to protect and promote the public interest. The commission shall have the same jurisdiction over the modifications or amendment of contracts or arrangements herein described as it has over such original contracts or arrangements.

Sec. 8.03. DISCLOSURE OF OWNERSHIP. The commission may require the disclosure of the identity and respective interests of every owner of any substantial interest in the voting securities of any public utility or its affiliated interest. One percent or more is a substantial interest within the meaning of this section.

ARTICLE 9. JUDICIAL REVIEW

Sec. 9.01. JUDICIAL REVIEW. Any party to a proceeding before the commission is entitled to judicial review under the substantial evidence rule.

Sec. 9.02. ATTORNEYS' FEES; COSTS. Any party represented by counsel who alleges that existing rates are excessive or that those prescribed by the commission are excessive, and who is a prevailing party in proceedings for review of a commission order or decision, may in the same action recover against the regulation fund reasonable fees for attorneys and expert witnesses and other costs for its efforts before the commission and the court, the amount of such attorneys' fees to be fixed by the court. On a finding by the court that an action under this article was groundless and brought in bad faith and for the purpose of harassment, the court may award to the defendant public utility the reasonable attorneys' fees.

ARTICLE 10. VIOLATIONS AND ENFORCEMENT

Sec. 10.01. ACTION TO RESTRAIN VIOLATION. Whenever it appears to the commission that any public utility or any other person or corporation is engaged in or is about to engage in any act in violation of this Act or of any order, rule, or regulation of the commission entered or adopted under the provisions of this Act or that any public utility or any other person or corporation is failing to comply with the provisions of this Act or with any such rule, regulation, or order, the attorney general on request of the commission, in addition to any other remedies provided herein, shall bring an action in a court of competent jurisdiction in the name of and on behalf of the commission against such public utility or other person or corporation to enjoin the commencement or continuation of any such act or to require compliance with such Act, rule, regulation, or order.

Sec. 10.02. VIOLATION BY A PUBLIC UTILITY OR AFFILIATED INTEREST. (a) Any public utility or affiliated interest that knowingly violates a provision of this Act, fails to perform a duty imposed on it, or fails, neglects, or refuses to obey an order, rule, regulation, direction, or requirement of the commission or decree or judgment of a court, shall be subject to a civil penalty of not less than \$1,000 nor more than \$5,000 for each offense.

(b) A public utility or affiliated interest commits a separate offense each day it continues to violate the provisions of Subsection (a) of this section.

(c) The attorney general shall institute suit, on his own initiative or at the request of, in the name of, and on behalf of the commission, in a court of competent jurisdiction to recover the penalty under this section.

Sec. 10.03. VIOLATION BY INDIVIDUALS. (a) Any member of the commission or any officer or director of a public utility or affiliated interest shall be subject to a civil penalty of \$1,000 for each and every knowing violation of Section 2.03 of this Act, such penalty to be recovered in a suit filed in a court of competent jurisdiction by the attorney general on his own initiative or at the request of, in the name of, and on behalf of the commission.

(b) Any person, other than an officer or director of a public utility or affiliated interest or a member of the commission, shall be subject to a civil penalty of \$500 for

each and every knowing violation of Section 2.03 of this Act, such penalty to be recovered in a suit filed in a court of competent jurisdiction by the attorney general on his own initiative or at the request of, in the name of, and on behalf of the commission.

(c) Any member, officer, or employee of the commission found in any action by a preponderance of the evidence to have violated any provision of Section 2.03 of this Act shall be removed from his office or employment.

Sec. 10.04. **CONTEMPT.** If any person fails to comply with any lawful order of the commission or with any subpoena or subpoena duces tecum or if any witness refuses to testify about any matter on which he may be lawfully interrogated, the commission may apply to any court of competent jurisdiction to compel obedience by proceedings for contempt.

Sec. 10.05. **DISPOSITION OF FINES AND PENALTIES.** Fines and penalties collected under this Act in other than criminal proceedings shall be paid to the commission and paid by the commission to the state treasury to be placed in the general revenue fund.

Sec. 10.06. **CUMULATIVE ACTIONS AND PENALTIES.** Penalties under this article are cumulative. A suit for recovery of a penalty does not bar the recovery of any other penalty or bar any criminal prosecution or contempt proceeding.

Sec. 10.07. **VENUE.** Suits for injunction or penalties under the provisions of this Act may be brought in Travis County, in any county where such violation is alleged to have occurred, or in the county of residence of any defendant.

ARTICLE 11. FINANCING

Sec. 11.01. **METHOD OF FINANCING.** (a) Each public utility regulated by the commission shall pay an assessment to the commission to offset the costs of administering this Act. The assessment for the initial year of operation of the commission shall be set at one-sixth of one percent of the utility's gross operating revenues derived from intrastate utility operations in the utility's preceding fiscal year. Thereafter, the commission shall, subject to the approval of the legislature, adjust this assessment to provide a level of income sufficient to fund commission operation.

(b) The legislature shall appropriate \$1 million for the organization and initial expenses of the commission for the fiscal year beginning September 1, 1975. This sum shall be repaid to the general revenue fund from the assessments to regulated public utilities.

Sec. 11.02. **METHOD OF PAYMENT.** All assessments shall be due on August 31 of each year. Any public utility may instead make quarterly payments due on August 31, November 30, February 28, and May 31 of each year. There shall be assessed as a penalty an additional fee of 10 percent of the amount due for any late payment. Fees delinquent for more than 30 days shall draw interest at the rate of six percent per annum on the assessment and penalty due.

Sec. 11.03. **SPECIAL FUND.** All fees, penalties, and interest paid to the commission under the provisions of this article shall be paid into a special fund in the state treasury to be expended for the operations and expenses of the commission as specified by the legislature.

Sec. 11.04. **BUDGET.** The budget of the commission shall be subject to legislative approval as part of the appropriations act.

Sec. 11.05. **ACCOUNTING.** The commission shall keep such accounting records as required by the state auditor and shall be subject to periodic audit.

ARTICLE 12. MISCELLANEOUS PROVISIONS

Sec. 12.01. **TRANSITION AND ASSUMPTION OF REGULATORY AUTHORITY.** (a) The commission shall assume jurisdiction and all powers and duties of regulation under this Act on January 1, 1976, except as provided in Subsection (b) of this section.

(b) Except as provided in Article 7 of this Act, the commission shall assume jurisdiction over rates and service of public utilities on September 1, 1976.

Sec. 12.02. **EFFECTIVE DATE.** This Act shall become effective on September 1, 1975, and the commission shall thereupon begin organization and the gathering of information as provided in this Act.

Sec. 12.03. **CONSTRUCTION.** This Act shall be construed liberally to promote the effectiveness and efficiency of regulation of public utilities to the extent that such construction preserves the validity of this Act and its provisions. The provisions of this Act shall be construed to apply so as not to conflict with any authority of the United States.

Sec. 12.04. **REPEALER.** Articles 1119, 1121, 1122, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1268, 1423, 1424, 1425, and 6058, Revised Civil Statutes of Texas, 1925, as amended, and all other laws and parts of laws in conflict with this Act are repealed in accordance with Section 12.01 of this Act.

Sec. 12.05. **EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the rule is hereby suspended.

The amendment was read.

Senator Moore moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Farabee, Harris, Jones, Kothmann, Lombardino, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Sherman, Snelson and Traeger.

Nays: Braecklein, Clower, Doggett, Gammage, Hance, Harrington, Longoria, Mauzy, Patman, Santiesteban, Schwartz and Williams.

The bill was passed to third reading.

RECORD OF VOTES

Senators Doggett, Sherman, Patman and Hance asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 819 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 819** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Harrington.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Harris, Farabee, Clower, Patman, Harrington, Doggett, Hance and Sherman asked to be recorded as voting "Nay" on the final passage of the bill.

MOTION TO PLACE HOUSE BILL 1097 ON SECOND READING

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1097, A bill to be entitled An Act relating to apportionment of the state into representative districts; repealing Chapter 351, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 195a, Vernon's Texas Civil Statutes); repealing Chapters 733 and 808, Acts of the 61st Legislature, Regular Session, 1969 (Articles 195a-1 and 195a-2, Vernon's Texas Civil Statutes); and declaring an emergency.

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **H.B. 1097** for consideration at this time.

The motion was lost by the following vote: Yeas 14, Nays 15, Present-Not voting 2.

Yeas: Adams, Andujar, Brooks, Clower, Creighton, Doggett, Hance, Jones, Kothmann, McKinnon, Meier, Mengden, Moore and Sherman.

Nays: Aikin, Braecklein, Farabee, Harrington, Harris, Lombardino, Longoria, Mauzy, McKnight, Ogg, Patman, Santiesteban, Schwartz, Traeger and Williams.

Present-Not voting: Gammage and Snelson.

HOUSE BILL 1990 REREFERRED

On motion of Senator McKnight and by unanimous consent, **H.B. 1990** was withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Administration.

HOUSE BILL 721 REREFERRED

On motion of Senator McKnight and by unanimous consent, **H.B. 721** was withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Administration.

HOUSE BILL 1023 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1023, A bill to be entitled An Act relating to the compensation of the Criminal District Attorney of Harrison County; amending Subsection (a), Section 4, Chapter 375, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 326k-33, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1023 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1023** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

HOUSE BILL 1892 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1892, A bill to be entitled An Act authorizing the levying of a student union fee for East Texas State University; amending Subchapter C, Chapter 100, Texas Education Code, by adding Section 100.37; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1892 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1892** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 1538 ON SECOND READING

Senator Jones asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1538, A bill to be entitled An Act relating to regulating the authority of certain institutions of higher education to grant degrees; providing penalties; amending Chapter 61, Texas Education Code, by adding Subchapter F; and declaring an emergency.

There was objection.

Senator Jones then moved to suspend the regular order of business and take up **H.B. 1538** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson and Traeger.

Nays: Brooks, Longoria, Patman, Schwartz and Williams.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Jones offered the following Committee Amendment to the bill:

Amend **H.B. 1538**, in Section 1, being Sec. 61.303 (2) by striking said subsection and substituting the following:

"(2) an institution which has received and maintains candidacy status or is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools."

The Committee Amendment was read.

Senator Jones offered the following substitute for the Committee Amendment:

Amend **H.B. 1538** as follows:

(1) Add a new Subdivision (8) to quoted Sec. 61.302 to read as follows:

"(8) 'Recognized accrediting agency' means an agency as defined by Sec. 61.003(12) of this code."

(2) Strike Subdivisions (a) (1) and (a) (2) of quoted Sec. 61.303 and substitute the following:

"(1) An institution which:

"(A) is fully accredited by a recognized accrediting agency, or

“(B) is a candidate for accreditation by a recognized accrediting agency on the effective date of this Act, so long as the institution maintains candidacy status or subsequently is fully accredited.

“(2) an institution whose graduates are subject to licensure by an agency of the State of Texas prior to their engaging in professions directly related to their course of study.”

(3) Strike the words, “exemption provided by Subsection (a) (2) of this section applies” and substitute the words “exemptions provided by Subsection (a) (1) apply” in Subdivision (b) of quoted Sec. 61.303.

The substitute for the Committee Amendment was read and was adopted.

The Committee Amendment as substituted was adopted.

Senator Jones offered the following Committee Amendment to the bill:

Amend **H.B. 1538** by adding a new Subparagraph “(E)” to Sec. 61.303 (a) (1) to read as follows:

“(E) whose graduates are eligible to be issued a license to engage in a profession or business regulated by an agency of the State of Texas and directly related to the program of study; or”.

The Committee Amendment was read.

On motion of Senator Jones the Committee Amendment was tabled.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

RECORD OF VOTES

Senators Patman and Brooks asked to be recorded as voting “Nay” on the passage of the bill to third reading.

HOUSE BILL 1538 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1538** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson and Traeger.

Nays: Brooks, Patman, Schwartz and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson and Traeger.

Nays: Brooks, Longoria, Patman, Schwartz and Williams.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 24
H.B. 1925
H.B. 1333
H.B. 1660
H.B. 1924
H.B. 141
H.B. 1316
H.B. 2159
H.B. 2141
H.B. 839
S.C.R. 43
S.C.R. 84
S.C.R. 90
S.B. 27
S.B. 247
S.B. 797
S.B. 1028
S.B. 1039

HOUSE BILL 1379 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1379, A bill to be entitled An Act relating to regulation of certain public institutions of higher education established outside the boundaries of the State of Texas; amending Chapter 61, Texas Education Code, by adding Subchapter G; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1379 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1379** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

HOUSE BILL 1953 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1953, A bill to be entitled An Act relating to original and appellate jurisdiction in probate matters; amending Section 5, Texas Probate Code, as amended; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1953 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1953** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

HOUSE BILL 392 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 392, A bill to be entitled An Act relating to the fees allowed to sheriffs and constables by amending Article 3933a, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Longoria asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 392 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 392** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Longoria.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Longoria.

SENATE BILL 638 ON SECOND READING

Senator Brooks asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 638, A bill to be entitled An Act relating to treatment and rehabilitation of drug-dependent persons; providing penalties and declaring an emergency.

There was objection.

Senator Brooks then moved to suspend the regular order of business and take up **S.B. 638** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Moore, Ogg, Patman, Santiesteban, Schwartz and Williams.

Nays: Adams, Creighton, Hance, Harris, McKnight, Meier, Mengden, Sherman, Snelson and Traeger.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 638** by striking Section 703 of Article VII and substituting in lieu thereof the following:

"Sec. 703. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after September 1, 1975, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 638 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 638** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Creighton, Harris, McKnight, Mengden and Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Hance and Creighton asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 688 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 688, A bill to be entitled An Act relating to financial assistance programs enabling certain students to attend certain postsecondary educational institutions in Texas; adding Chapter 56 to Title 3, Subtitle A, Vernon's Texas Codes Annotated, Education Code (V.T.C.A.); repealing Subsection (m) of Section 54.051, V.T.C.A.; repealing Subchapter C, Chapter 54, V.T.C.A.; repealing Section 54.202, V.T.C.A.; repealing Section 54.206, V.T.C.A.; repealing Section 54.207, V.T.C.A.; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 688 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 688** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

MOTION TO PLACE HOUSE BILL 820 ON SECOND READING

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 820, A bill to be entitled An Act relating to creation of a state personnel system and a state personnel board having powers, duties, and functions regarding employment policies and practices of certain state agencies; prescribing unlawful employment practices and providing penalties and other remedies; repealing the Position Classification Act of 1961 (Article 6252-11, Vernon's Texas Civil Statutes); and declaring an emergency. (The bill having been read second time on May 23 and a substitute for the Committee Amendment pending.)

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **H.B. 820** for consideration at this time.

Question - Shall the regular order of business be suspended?

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 26, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 546, A bill to be entitled An Act relating to raising revenue for the support of state government; providing for the imposition, administration, and collection of state taxes; providing exemptions; amending Article 4.02, Section (1) of Article 7.06, Article 12.03, and Section (R) of Article 20.04, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended; providing effective date; and declaring an emergency.

H.B. 1186, A bill to be entitled An Act adopting the Parks and Wildlife Code, a formal revision of general and permanent and local and special statutes relating to the Parks and Wildlife Department, wildlife resources, water safety, and state and national parks; repealing the statutes replaced by the code and previously impliedly repealed statutes; and declaring an emergency.

H.B. 247, A bill to be entitled An Act relating to the establishment of the Texas State Board of Examiners in Social Psychotherapy and its authority, duties, responsibilities, and procedures in the regulation of the profession of social psychotherapy; prescribing civil penalties; providing an appropriation; and declaring an emergency.

H.B. 1065, A bill to be entitled An Act relating to reapportionment of congressional districts; repealing Chapter 12, Acts of the 62nd Legislature, 1st Called Session, 1971 (Article 197d, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1717, A bill to be entitled An Act to provide for the orderly extraction of necessary minerals that are of limited supply; to regulate the reclamation of lands disturbed by surface mining operations; providing penalties; providing an effective date; and declaring an emergency.

H.B. 1217, A bill to be entitled An Act relating to the activities, registration, and reporting requirements of persons engaging in activities designed to influence legislation; amending Sections 2, 3, 4, 5, 6, 7, and 9, Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes); providing penalties; and declaring an emergency.

H.B. 272, A bill to be entitled An Act creating a Commission on Jail Standards and prescribing its powers, duties, and functions relating to the condition of county

jails; amending Article 5115, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill 52. House Conferees: Presnal, Chairman; W. Parker, Leland, Nugent and Blake.

The House refused to concur in Senate amendments to House Bill 785 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Blake, Chairman; Hollowell, Davis, Ribak and Green of Navarro.

The House concurred in Senate amendments to **H.B. 643** by non-record vote.

H.B. 908, A bill to be entitled An Act relating to gathering statistical information on marine products by the Parks and Wildlife Department; requiring reports by handlers of marine products; providing a penalty; amending Chapter 261, Acts of the 44th Legislature, Regular Session, 1935 (Article 978f-1, Vernon's Texas Penal Code); and declaring an emergency. (H.B. 908 was tabled by a record vote of 69 Yeas, 54 Nays.)

H.C.R. 93, Permitting Platoro Limited, Inc., a foreign corporation authorized to transact business in the State of Texas, to sue the State of Texas within a period of two years after the effective date of this resolution in any court in Texas having jurisdiction. (H.C.R. 93 was tabled by a record vote of 71 Yeas, 38 Nays, 14 Present-not Voting.)

The House concurred in Senate amendments to **H.B. 2141** by a non-record vote.

S.B. 142, A bill to be entitled An Act relating to regulations of the Parks and Wildlife Commission for the health, safety, and protection of persons and property on water within the boundaries of state parks, historic sites, scientific areas, or forts; allowing the retention of a portion of certain fines imposed for violating a regulation of the Parks and Wildlife Commission concerning acts in state parks; amending Sections 1 and 4, Chapter 383, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6067b, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 309, A bill to be entitled An Act relating to the authority of the Texas State Board of Medical Examiners to receive criminal records and reports of law enforcement agencies on its licensees and applicants for licensure; to the authority of the Board of Medical Examiners to submit to the Department of Public Safety fingerprints of applicants for licensure for classification and checking; amending Chapter 6, Title 71, Revised Statutes of Texas, 1925, as amended, by adding a new article to be designated Article 4511b; providing for severability; and declaring an emergency. (With amendment)

S.B. 359, A bill to be entitled An Act authorizing advisory elections in connection with the issuance of revenue bonds by commissioners courts for and on behalf of certain hospital districts; and declaring an emergency.

S.B. 423, A bill to be entitled An Act relating to the continuation of benefits after the death of the insured; and declaring an emergency.

S.B. 485, A bill to be entitled An Act relating to notices of certain meetings that are open to the public; amending Subsection (h), Section 3A, Chapter 271, Acts of the

60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

S.B. 511, A bill to be entitled An Act relating to the authority of the Court of Civil Appeals for the Thirteenth Supreme Judicial District to transact business at the county seat of the counties in the district; and declaring an emergency.

S.B. 529, A bill to be entitled An Act relating to dental peer review or grievance committees, defining such committee or committees; providing for the election of the membership of such committees; limiting liability of members of such committees; providing for disqualification of members under certain conditions; providing a severability clause; and declaring an emergency. (With amendments)

S.B. 839, A bill to be entitled An Act relating to inclusion of certain persons within regional or area-wide waste collection, treatment, or disposal systems; amending Subsection (b), Section 21.204 of and adding Section 21.2041 to the Water Code, as amended; and declaring an emergency. (With amendment)

S.B. 563, A bill to be entitled An Act amending Section 341(a), Subsection (6) of the Texas Probate Code and relating to the sale of real estate by the personal representative; and declaring an emergency.

S.B. 564, A bill to be entitled An Act amending Section 341(c) of the Texas Probate Code and providing for venue in the sale of real estate of a minor without guardianship and further providing that such application shall be under oath; and declaring an emergency.

S.B. 566, A bill to be entitled An Act amending Section 236(b) of the Texas Probate Code and relating the Court approval of previous expenditures and eliminating the limitation thereon; and declaring an emergency.

S.B. 568, A bill to be entitled An Act amending Section 147 of the Texas Probate Code relating to the time an independent executor must plead a suit brought against him; and declaring an emergency.

S.B. 1092, A bill to be entitled An Act relating to the open season for the taking of quail in McMullen County; amending Section 1, Chapter 183, Acts of the 51st Legislature, Regular Session, 1949, as amended; and declaring an emergency.

S.B. 601, A bill to be entitled An Act relating to coloring citrus fruit; amending Sections 6, 8, and 11, Chapter 6, page 49, General Laws, Acts of the 46th Legislature, 1939 (Article 118b-1, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 602, A bill to be entitled An Act relating to the issuance of a dealers license to certain persons and to inspection for proof of purchase of citrus fruit; amending Subsection (b), Section 4, and Section 13, Chapter 236, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 118b, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 658, A bill to be entitled An Act relating to the taking of certain game birds at any time during retriever dog field trials licensed, sanctioned, or approved by the American Kennel Club or during certain retriever dog training; providing for the licensing of field trial areas; providing for nonresident field trial hunting licenses; providing penalties; and declaring an emergency.

S.B. 711, A bill to be entitled An Act relating to the deposit of securities by designated State Depositories, by amending Article 2530, Revised Civil Statutes of Texas, as amended; and declaring an emergency.

S.B. 755, A bill to be entitled An Act relating to the discharge and cancellation of judgment liens against bankrupts, providing for hearings after notice upon applications of bankrupts or other interested parties for an order of discharge of judgments, judgment liens and abstracts of judgments, providing for recordation of certified copies of orders of discharge; amending Title 90, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Article 5449(a); repealing all laws, or parts of laws, in conflict to the extent of conflict; and declaring an emergency.

S.B. 756, A bill to be entitled An Act to supplement the appropriation of the Texas Motor Vehicle Commission; and declaring an emergency. (Passed subject to Section 49A, Article III, Constitution of Texas)

S.B. 828, a bill to be entitled An Act offsetting any and all other benefits heretofore provided by the Legislature to employees of political subdivisions who are incapacitated from work due to injury; amending Section 5, Article 8309h, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

S.B. 881, A bill to be entitled An Act relating to the transportation allowance for travel by certain state employees within their designated headquarters; amending Section 8, Chapter 231, Acts of the 56th Legislature, Regular Session, 1959 (Article 6823a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 937, A bill to be entitled An Act amending Article 1659a of the Revised Civil Statutes of the State of Texas, 1925, as amended, relating to the procedure by which counties having a population of eight hundred thousand (800,000) or more according to the last preceding or any future Federal Census shall purchase supplies and materials. (With amendment)

S.B. 938, A bill to be entitled An Act repealing Sections 9 and 10 of the Harris County Road Law, Acts 1913, Thirty-third Legislature, Regular Session, Special Laws, Page 64, Chapter 17, as amended. (With amendments)

S.B. 1027, A bill to be entitled An Act relating to creating a firemen's relief and retirement fund in certain cities; repealing Sections 6B, 6B-1, 7B, 7C, 10E, 12A, 23A-1, 23C, 23F, and 23G, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendment)

S.B. 1052, A bill to be entitled An Act relating to district clerks having duties in more than one district court, enabling them to combine the civil minutes of the several courts in one book and to combine the criminal minutes of the courts in another book; adding Article 1899b to the Revised Civil Statutes of Texas, 1925; and declaring an emergency.

S.B. 1074, A bill to be entitled An Act relating to the appointment of a special judge in counties having two or more county courts at law when the judge of one of said courts is absent or disabled; providing for an oath of office; providing for an entry upon the minutes of the court; amending Articles 30.03, 30.04, and 30.05 of the Code of Criminal Procedure; and declaring an emergency. (With amendment)

S.B. 1083, A bill to be entitled An Act relating to the licensing of persons engaged in the business of executing bail bonds in certain counties; amending Subsection (c), Section 3, Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 1086, A bill to be entitled An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including home-rule cities) or towns; validating, ratifying, confirming and approving refunding bonds issued for the purpose of refunding time warrants and all proceedings, governmental acts, orders, ordinances, resolutions and other instruments relating to the issuance of refunding bonds for such purposes of counties, cities (including home-rule cities) and towns; providing that this Act shall not apply to any contract, scrip warrants, time warrants or to any refunding bond proceedings, governmental acts, orders, resolutions or other instruments, or bonds executed or issued by any county with a population in excess of three hundred and fifty thousand (350,000), according to the last preceding federal census, or any contract, scrip warrant, time warrant, or any refunding bond proceedings, governmental acts, orders, ordinances, resolutions or other instruments, or bonds, the validity of which is now involved in litigation if the question is ultimately determined against the validity thereof; providing a savings clause; and declaring an emergency.

S.B. 1114, A bill to be entitled An Act amending the Texas Minimum Wage Act of 1970 (Article 5159d, Vernon's Texas Civil Statutes); adding an exemption concerning employees in certain child caring institutions; and declaring an emergency.

H.B. 165, A bill to be entitled An Act relating to creditable service for certain members of the Employees Retirement System of Texas; amending Subsections B, F, and G, Section 4, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 569, A bill to be entitled An Act relating to requiring health certificates of persons preparing or dispensing food served in child care facilities; defining the word "person"; amending Subsection 1, Section 8(a), The Public Welfare Act of 1941 (Article 695c, Vernon's Texas Civil Statutes), by adding Paragraph (k); amending Subsection 12, Section 8(a), The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), and adding Subsection 4a; and declaring an emergency.

H.B. 668, A bill to be entitled An Act relating to rehabilitation districts for handicapped persons; amending Subdivisions (1), (2), and (3) of Section 26.01, Texas Education Code, and adding Subdivision (8); amending Sections 26.11, 26.65, and 26.71, Texas Education Code, as amended; and declaring an emergency.

H.B. 671, A bill to be entitled An Act relating to the pay of grand and petit jurors; amending Subsection (a) of Article 2122, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 2428, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 1056, Code of Criminal Procedure, 1925, as amended; repealing Article 35.24, Code of Criminal Procedure, 1965; and declaring an emergency.

H.B. 873, A bill to be entitled An Act relating to the reproduction, recording, and retention of records in the Courts of Civil Appeals for certain supreme judicial districts by microfilm or other process which correctly and legibly reproduces or which forms a medium of copying or reproducing certain records; providing for the formulation and implementation of a written plan for such activities; requiring such written plans to be approved by the Court of Civil Appeals and entered in the minutes

of such courts; providing for the implementation for such plans; authorizing the destruction of original records under certain conditions and providing exceptions; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

H.B. 1334, A bill to be entitled An Act relating to the definition of "dentist"; amending Article 4551a, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 4551a-1, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 1353, A bill to be entitled An Act relating to commercial driver-training schools in certain counties; amending Section 14, Chapter 332, Acts of the 60th Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1408, A bill to be entitled An Act relating to redefining "school year" as "contract year" for purposes of the Teacher Retirement System; amending Subdivisions (15) and (22), Subsection (a), Section 3.02, Texas Education Code; and declaring an emergency.

H.B. 1488, A bill to be entitled An Act relating to the creation of the constitutional office of Criminal District Attorney of Montgomery County; abolishing the office of County Attorney of Montgomery County; repealing Chapter 560, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 3261-2, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1550, A bill to be entitled An Act relating to the imposition of certain educational requirements for renewal of a license to practice optometry; amending the Texas Optometry Act (Article 4552-1.01 et seq., Vernon's Texas Civil Statutes), by adding Section 4.01B; and declaring an emergency.

H.B. 1595, A bill to be entitled An Act relating to functions and powers of the Texas Water Quality Board; functions and powers of the Texas Railroad Commission; civil penalties for violations of the Texas Disposal Well Act or of rules, regulations, or permits of the board or commission; increasing the maximum sum for the civil penalties from \$1,000 to \$5,000; amending Section 22.101 of the Texas Disposal Well Act; containing other provisions relating to the subject; and declaring an emergency.

H.B. 1746, A bill to be entitled An Act relating to excusing persons who are members of the Jewish faith from school attendance on Jewish holidays; providing that the persons shall be counted as attending school for purposes of determining the school district's average daily attendance; amending Section 21.035, Texas Education Code, by adding Subsection (f); and declaring an emergency.

H.B. 1778, A bill to be entitled An Act providing for the amendment of Acts 1957, 55th Legislature, page 1379, Chapter 472, as amended by Acts 1963, 58th Legislature, page 1273, Chapter 487, Section 1, known as the City Hospital Authority Act (codified as Article 4437e, Vernon's Texas Civil Statutes), by amending Sections 2, 5, 6, 7, 8, 10, 11, 12, 14, and 18 thereof; providing a definition of "Hospital" or "Hospitals"; authorizing management agreements for and leases of the hospitals; modifying the provisions for the issuance, approval, and sale of authority's revenue bonds, the revenues pledged to the payment thereof and the use to be made of the bond proceeds; containing a severability clause; and declaring an emergency.

H.B. 1779, A bill to be entitled An Act providing for the amendment of Acts 1963, 58th Legislature, page 324, Chapter 122, (codified as Article 4494r, Vernon's

Texas Civil Statutes), by amending Sections 2, 5, 6, 7, 8, 10, 11, 12, 14, and 18 thereof; providing a definition of hospital or hospitals; authorizing management agreements for and leases of hospitals; restricting the location of a hospital so that it will not be within the boundaries of a city hospital authority; modifying the provisions for the issuance, approval, and sale of authority's revenue bonds, the revenues pledged to the payment thereof, and the use to be made of the bond proceeds; containing a severability clause; and declaring an emergency.

H.B. 1816, A bill to be entitled An Act relating to the composition of administrative judicial districts; amending Section 1, Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1907, A bill to be entitled An Act authorizing the court to dismiss a prosecution for certain misdemeanor traffic offenses if the defendant completes a driving safety course; amending the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), by adding Section 143A; and declaring an emergency.

H.B. 1945, A bill to be entitled An Act relating to additions to the Texas County and District Retirement System; amending Article 6228g (V.A.C.S.) by amending Section 2, Subsection 3; and declaring an emergency.

H.B. 2061, A bill to be entitled An Act relating to approval of branch campuses, centers, or extension facilities of public junior college districts; amending Subsections (a), (b), (d), and (f), Section 130.086, Texas Education Code; and declaring an emergency.

H.B. 2065, A bill to be entitled An Act relating to the assignment clerk of the district courts of Bexar County; amending Section 1, Chapter 532, Acts of the 51st Legislature, Regular Session, 1949 (Article 2093e, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 2076, A bill to be entitled An Act relating to disclosure of information on welfare recipients; amending Section 33, The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 2153, A bill to be entitled An Act relating to the abolition of the common law rights of action of criminal conversation; amending Chapter 4, Title I, Family Code, by adding a Section 4.05; and declaring an emergency.

H.B. 2178, A bill to be entitled An Act creating the County Court at Law of Houston County; making other provisions relative to the court; relating to the jurisdiction of the County Court of Houston County; and declaring an emergency.

H.B. 2182, A bill to be entitled An Act relating to the creation of the constitutional office of Criminal District Attorney of Van Zandt County; abolishing the office of County Attorney of Van Zandt County; and declaring an emergency.

H.B. 2197, A bill to be entitled An Act relating to the creation of the 246th Judicial District, composed of Deaf Smith and Oldham counties; providing for a shorthand reporter and adult probation officer for the 246th Judicial District; reorganizing the 69th Judicial District; providing for the state to pay the salary and expenses of the Criminal District Attorney of Deaf Smith County to assist in the prosecution of cases in Oldham County; setting the minimum salary of the County

Attorney of Oldham County and providing for its supplementation by the state; amending Subdivision 69, Article 199, Revised Civil Statutes of Texas, 1925, as amended; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding a Section 3.070; amending Chapter 34, Acts of the 62nd Legislature, Regular Session, 1971 (Article 326k-64, Vernon's Texas Civil Statutes), by amending Section 7 and adding a new Section 7a; and declaring an emergency.

H.B. 2214, A bill to be entitled An Act relating to the requirement that motor carriers attach and display identification plates on vehicles; amending Section 18, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 2245, A bill to be entitled An Act relating to hunting turkey in Marion County; providing a penalty; and declaring an emergency.

H.B. 2210, A bill to be entitled An Act changing the name of the Lake Dallas Municipal Utility Authority to the Lake Cities Municipal Utility Authority; amending Section 1, Chapter 312, Acts of the 58th Legislature, 1963 (Article 8280-293, Vernon's Texas Civil Statutes); and declaring an emergency.

H.C.R. 149, Authorizing the placement of a Bicentennial Celebration marker on the Capitol grounds, commemorating the German-Lutheran Church site.

S.C.R. 90, Requesting the governor to return **H.B. 208** to the senate for further consideration.

H.C.R. 150, Designating Block 124 of the City of Austin as Bicentennial Square.

H.B. 1861, A bill to be entitled An Act appropriating supplemental sums of money for the fiscal year ending August 31, 1975, to pay the additional cost of purchased utilities (nontransferable) at certain public institutions of higher education; and declaring an emergency. (Passed subject to Section 49A, Article III, Constitution of Texas)

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committees indicated:

H.B. 272, To Committee on Intergovernmental Relations.

H.B. 1861, To Committee on Finance.

H.B. 247, To Committee on Human Resources.

H.B. 1186, To Committee on Natural Resources.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Tuesday, May 27, 1975

S.B. 108 - Senator Schwartz

C.S.S.B. 109 - Senator Mauzy

C.S.S.B. 110 - Senator Mauzy

C.S.S.B. 116 - Senator Mengden
C.S.S.B. 117 - Senator Mengden
C.S.S.B. 162 - Senator Harris
S.B. 196 - Senator Santiesteban (Third reading)
C.S.S.B. 250 - Senator Mauzy
S.B. 257 - Senator Mauzy
S.B. 272 - Senator Doggett
S.B. 317 - Senator Mengden
S.B. 418 - Senator Ogg (Third reading)
S.B. 430 - Senator Mengden
C.S.S.B. 448 - Senator Mauzy
C.S.S.B. 449 - Senator Mauzy
C.S.S.B. 526 - Senator Harrington
S.B. 656 - Senator Andujar
C.S.S.B. 706 - Senator Mauzy
S.B. 708 - Senator Mauzy
S.B. 725 - Senator Patman
S.B. 779 - Senator Mengden
C.S.S.B. 781 - Senator Mengden
S.B. 784 - Senator Harris
S.B. 847 - Senator Hance
S.B. 879 - Senator Patman
S.B. 884 - Senator Hance
S.B. 899 - Senator Mauzy
S.B. 919 - Senator Ogg
C.S.S.B. 939 - Senator Mauzy
S.B. 973 - Senator Santiesteban
S.B. 974 - Senator Santiesteban
S.B. 976 - Senator Santiesteban
S.B. 984 - Senator Harris
S.B. 987 - Senator Ogg
C.S.S.B. 1022 - Senator Mengden
C.S.S.B. 1023 - Senator Mengden
S.B. 1050 - Senator Patman
H.B. 4 - Senator Meier
H.B. 42 - Senator Mauzy (Third reading)
H.B. 50 - Senator Ogg
H.B. 82 - Senator Mauzy (Third reading)
H.B. 109 - Senator Mauzy
H.B. 313 - Senator Gammage
C.S.H.B. 431 - Senator Brooks
H.B. 491 - Senator Mauzy
H.B. 519 - Senator Mauzy (Third reading)
H.B. 570 - Senator Doggett
H.B. 820 - Senator Meier
H.B. 836 - Senator Ogg (Third reading)
H.B. 1097 - Senator Meier
C.S.H.B. 1126 - Senator Mauzy
C.S.H.B. 1130 - Senator Schwartz
H.B. 1455 - Senator Gammage
H.B. 2003 - Senator Brooks
H.B. 2136 - Senator Snelson